FEDERAL REGISTER

VOLUME 17 NUMBER 152

Washington, Tuesday, August 5, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10378

RESTORING CERTAIN LAND AT HILO, HAWAII, TO THE JURISDICTION OF THE TERRITORY OF HAWAII

WHEREAS certain land at Hilo, Hawaii, Territory of Hawaii, which forms a part of the public lands ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation of July 7, 1898, 30 Stat. 750, was set aside for aeronautical purposes of the United States by Executive Order No. 884 of the Governor of Hawaii, dated June 18, 1940; and

WHEREAS the said land is no longer needed for the purposes for which it was set aside, and it is deemed desirable and in the public interest that it be restored to the possession, use, and control of the Territory of Hawaii:

NOW, THEREFORE, by virtue of the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 447, it is ordered that the land situated at Hilo, Hawaii, Territory of Hawaii, which was set aside for aeronautical purposes of the United States by Executive Order No. 884 of the Governor of Hawaii, dated June 18, 1940, be, and it is hereby, restored to the possession, use, and control of the Territory of Hawaii.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 31, 1952.

[F. R. Doc. 52-8591; Filed, Aug. 1, 1952; 4:13 p. m.]

EXECUTIVE ORDER 10379

SUSPENSION OF THE OPERATION OF CERTAIN PROVISIONS OF THE OFFICER PERSONNEL ACT OF 1947 APPLICABLE TO THE RETIREMENT OF COLONELS OF THE REGULAR ARMY AND THE REGULAR AIR FORCE

By virtue of the authority vested in me by subsection (f) of section 514 of the Officer Personnel Act of 1947 (61 Stat. 906), and as President of the United States, it is ordered that the operation of the provisions of paragraph 3, subsection (d), section 514 of the said Officer Personnel Act of 1947, applicable to the mandatory retirement of colonels of the Regular Army and the Regular Air Force be, and it is hereby, suspended for the duration of the emergency proclaimed by Proclamation No. 2914 of December 16, 1950, or until June 30, 1957, whichever is earlier, but only with respect to such colonels of the Regular Army and the Regular Air Force as the appropriate Secretary shall, in his discretion, select for retention on the active list from among those who but for the suspension made by this order would be eliminated from the active list and retired pursuant to the provisions of the said paragraph 3, subsection (d), section 514: *Provided*, that in no event shall the total number of officers so selected by the appropriate Secretary for retention exceed sixty per cent of the total number of officers in the respective service who but for the suspension made by this order would be eliminated from the active list and retired, after the date hereof, pursuant to the provisions of the said paragraph 3, subsection (d), section 514: *And provided further*, that such selection shall be based upon military needs, the qualifications of the officers selected, and such other factors as the appropriate Secretary may deem appropriate, and shall be effected in accordance with rules and regulations prescribed by the said Secretary, with the approval of the Secretary of Defense.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 2, 1952.

[F. R. Doc. 52-8713; Filed, Aug. 4, 1952; 12:07 p. m.]

EXECUTIVE ORDER 10380

DEFINING CERTAIN FUNCTIONS OF THE UNITED STATES HIGH COMMISSIONER FOR GERMANY

By virtue of the authority vested in me by section 109 (d) of the Economic Cooperation Act of 1948 (62 Stat. 142), as amended, and section 507 of the Mutual Security Act of 1951 (65 Stat. 380), and as President of the United States, it is ordered as follows:

(Continued on p. 7109)

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

SECTION 1. The United States High Commissioner for Germany (provided for by Executive Order No. 10062 of June 6, 1949, as amended by Executive Order No. 10144 of July 21, 1950), under the immediate supervision of the Director for Mutual Security and the coordination of the Special Representative for Europe (subject, however, to consultation with and ultimate direction by the President), shall be the representative of the said Director and the said Special Representative in all their relations and actions with respect to Germany.

SEC. 2. In performing his duties under section 1 hereof, the said High Commissioner shall be assisted by a Chief of Special Mission who shall be appointed by the Director for Mutual Security and who shall be acceptable to the High Commissioner. The Chief of Special Mission shall have the rank of Minister and shall act under the immediate supervision of the High Commissioner. (This section shall not be deemed to require reappointment of the Chief of Special Mission in office on the effective date of this order.)

SEC. 3. This order supersedes Executive Order No. 10063 of June 13, 1949, entitled "Defining Certain Functions of the United States High Commissioner for Germany".

SEC. 4. This order shall be effective as of August 1, 1952.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 2, 1952.

[F. R. Doc. 52-8714; Filed, Aug. 4, 1952; 12:07 p. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 25—FEDERAL EMPLOYEES' PAY REGULATIONS

SUBPART B—GENERAL COMPENSATION RULES

GENERAL PROVISIONS

Paragraphs (b) and (c) of § 25.103 are amended to read as follows:

§ 25.103 *General provisions.* * * *

(b) (1) Subject to the mandatory requirements of paragraph (d) of this section and § 25.104, an employee who is reemployed, transferred, reassigned, promoted, repromoted, or demoted may be paid at any scheduled rate for his grade which does not exceed the employee's highest previous rate. If the employee's highest previous rate falls between two scheduled rates of the new grade, he may be given the higher rate. If the employee's existing rate of basic compensation is less than the minimum scheduled rate of the new grade, his compensation shall be increased to the minimum rate.

(2) When the grade of a position is reduced on post audit by the Commission, no rate paid as a result of the agency's classification of the position shall be used as the incumbent's highest previous rate if such agency classification was made, without fundamental change in the nature of the position or in position-classification standards of the Commission for such positions, after the Commission (under the Classification Act of 1923, as amended, or the Classification Act of 1949, as amended) had placed the position in a lower grade or had officially informed the agency that the position belonged in a lower grade (see 30 Comp. Gen. 319). The agency may fix the incumbent's rate of pay at any rate of the grade to which his position is reduced not higher than the rate he would have been receiving if the agency had classified the position in that grade, and may credit him with the service that he would then have had creditable toward his next step increase.

(c) An employee who had earned a rate above the maximum scheduled rate of his grade as the result of one or more longevity step increases in the same or higher grade, may, at the discretion of the department, be given any scheduled rate of his grade, or a comparable step above the maximum rate for his grade, when he is reemployed or transferred in the same or a lower grade or reassigned or demoted.

(Sec. 1101, 63 Stat. 971; 5 U. S. C. 1072)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 52-8494; Filed, Aug. 4, 1952; 8:46 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1952 C. C. C. American-Egyptian Cotton Bulletin 1, Amdt. 2]

PART 607—COTTON

SUBPART—1952 AMERICAN-EGYPTIAN COTTON PURCHASE PROGRAM

PURCHASE RATES

On July 27, 1951, new standards were promulgated for American-Egyptian cotton to be effective on and after August 1, 1952. These standards revise the grade numbers as follows:

New standards	*Old standards*
Grade 1	Grade 1
Grade 2	Grade 1½
Grade 3	Grade 2
Grade 4	Grade 2½
Grade 5	Grade 3
Grade 6	Grade 3½
Grade 7	Grade 4
Grade 8	Grade 4½
Grade 9	Grade 5
Grade 10	Below Grade 5

Section 607.306 of 1952 American-Egyptian Cotton Bulletin 1 (17 F. R. 1875) issued by Commodity Credit Corporation, is therefore, hereby amended to read as follows:

§ 607.306 *Purchase rates.* The following table shows the purchase rates by qualities and by location in cents per pound, net weight, for 1952-crop Amsak and Pima 32 varieties of eligible American-Egyptian cotton:

Grade	Staple					
	1⅛"		1 1/16"		1 3/32" and longer	
	Arizona and California	New Mexico and Texas	Arizona and California	New Mexico and Texas	Arizona and California	New Mexico and Texas
1	104.05	104.45	108.35	108.75	109.80	110.20
2	102.65	103.05	106.90	107.30	108.35	108.75
3	99.75	100.15	104.05	104.45	106.90	107.30
4	94.10	94.50	99.75	100.15	102.65	103.05
5	88.35	88.75	95.50	95.90	98.35	98.75
6	81.20	81.60	86.95	87.35	91.20	91.60
7	74.10	74.50	76.90	77.30	81.20	81.60
8	66.95	67.35	69.85	70.25	71.25	71.65
9	59.80	60.20	62.65	63.05	65.50	65.90

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup., 1441, 1421)

Issued this 30th day of July 1952.

[SEAL]

W. E. UNDERHILL,
Acting Vice President,
Commodity Credit Corporation.

Approved:

ELMER F. KRUSE,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-8501; Filed, Aug. 4, 1952; 8:47 a. m.]

PART 617—FRUITS AND BERRIES, FRESH

SUBPART—FRESH GRAVENSTEIN APPLE PURCHASE PROGRAM TMP 96a3

§ 617.3 *Fresh Gravenstein apples, program TMP 96a3.* In order to encourage the domestic consumption of fresh Gravenstein apples by diverting them from the normal channels of trade and commerce in accordance with section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, fresh Gravenstein apples will be purchased during the period July 31, 1952, to and including September 15, 1952, in instances where surpluses have created serious marketing problems, and subject to limitations imposed by the capacity of available outlets to utilize supplies without waste and by the amount of funds available for such purchases. Grades and other specifications, and purchase prices will be contained in purchase announcements which will be issued by the State PMA Office in the State of purchase. Information as to this purchase program may be obtained from the California State PMA Office or the Fruit and Vegetable Branch, Production and Marketing Administration, Department of Agriculture, Washington 25, D. C.

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. and Sup. 612c)

Done at Washington, D. C., this 31st day of July 1952.

[SEAL]

S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-8531; Filed, Aug. 4, 1952; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1061(53)-1, Supp. 1]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART—1953

STATE FUNDS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1953 National Agricultural Conservation Program, issued July 28, 1952 (17 F. R. 6995), is amended as follows:

Section 701.401 is amended to read as follows:

§ 701.401 *State funds.* (a) Funds available for conservation practices will be distributed among States on the basis of their conservation needs, but the proportion allocated to any State shall not be reduced more than 15 percent from its proportionate 1952 distribution. The allocation of funds among the States is as follows:

Alabama	$5,946,000
Alaska	27,000
Arizona	1,446,000
Arkansas	4,574,000
California	4,986,000
Colorado	3,248,000
Connecticut	487,000
Delaware	327,000
Florida	2,219,000
Georgia	6,897,000
Hawaii	182,000
Idaho	1,645,000
Illinois	7,936,000
Indiana	5,086,000
Iowa	8,605,000
Kansas	6,381,000
Kentucky	5,851,000
Louisiana	4,035,000
Maine	$317,000
Maryland	1,278,000
Massachusetts	527,000
Michigan	4,549,000
Minnesota	5,496,000
Mississippi	6,253,000
Missouri	8,737,000
Montana	3,455,000
Nebraska	5,969,000
Nevada	281,000
New Hampshire	477,000
New Jersey	711,000
New Mexico	1,775,000
New York	4,635,000
North Carolina	6,042,000
North Dakota	4,460,000
Ohio	5,280,000
Oklahoma	7,203,000
Oregon	2,103,000
Pennsylvania	4,923,000
Puerto Rico	820,000
Rhode Island	82,000
South Carolina	3,184,000
South Dakota	4,645,000
Tennessee	5,166,000
Texas	18,455,000
Utah	1,259,000
Vermont	1,021,000
Virgin Islands	12,000
Virginia	4,091,000
Washington	2,322,000
West Virginia	1,549,000
Wisconsin	5,167,000
Wyoming	1,949,000

(b) The apportionment shown above does not include the amount set aside for administrative expenses, the amount required for size-of-payment adjustments in § 701.479, and the amount set aside for the Naval Stores Conservation Program.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148, as amended; 16 U. S. C. 590g-590q)

Done at Washington, D. C., this 28th day of July 1952.

[SEAL]

C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-8530; Filed, Aug. 4, 1952; 8:53 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 105—HEAD TAX

EXEMPTION OF CERTAIN ALIENS CONNECTED WITH INTERNATIONAL ORGANIZATIONS

JULY 18, 1952.

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER of May 20, 1952 (17 F. R. 4950), pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) and in which there were stated in full the terms of proposed amendments to the rules relating to the classes of aliens who are exempt from payment of head tax. No representations have been received concerning the proposed amendments. The rules, as stated below, are hereby adopted. The provisions of the adopted rules are the same as those stated in the notice of proposed rule making.

Paragraph (p) of § 105.3, Chapter I, Title 8 of the Code of Federal Regulations, is amended so that, when taken with the introductory material, it will read as follows:

§ 105.3 *Aliens not subject to head tax.* The head tax shall not be levied upon the following classes of aliens:

* * * * *

(p) *Aliens connected with certain international organizations.* (1) Representatives of foreign governments in or to international organizations designated by the President by Executive order as entitled to enjoy privileges, exemptions, and immunities as international organizations under the International Organizations Immunities Act (59 Stat. 672; 22 U. S. C. 288d), or officers or employees of such international organizations, and the families, attendants, servants, and employees of such representatives, officers, or employees.

(2) Representatives of foreign governments in or to, or officials of, specialized agencies as defined in Article 57, paragraph 2, of the United Nations Charter (59 Stat. 1031), proceeding to the headquarters district of the United Nations, or the families of such representatives or officials, proceeding to the headquarters district.

(3) Aliens proceeding to the headquarters district of the United Nations who have any of the following relationships to the United Nations or to a specialized agency as defined in Article 57, para-2, of the United Nations Charter:

(i) Experts performing missions for the United Nations or for such specialized agency;

(ii) Representatives of the press, or of radio, film, or other information agencies, who have been accredited by the United Nations or by such specialized agency;

(iii) Other persons invited to the headquarters district by the United Nations or by such specialized agency on official business.

(4) Representatives of nongovernmental organizations recognized by the United Nations for the purpose of consultation under Article 71 of the United Nations Charter.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458)

The rules stated above shall become effective on the thirty-first day following their publication with this order in the FEDERAL REGISTER.

The basis and purpose of the rules prescribed above are to include in the classes of aliens not subject to head tax all the classes enumerated in section 11 of the United Nations Headquarters Agreement (61 Stat. 761).

[SEAL] ARGYLE R. MACKEY,
Commissioner of Immigration and Naturalization.

Approved: July 28, 1952.

JAMES P. MCGRANERY,
Attorney General.

[F. R. Doc. 52-8518; Filed, Aug. 4, 1952; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regulations, Amdt. 62-1]

PART 62—NOTICE AND REPORTS OF AIRCRAFT ACCIDENTS AND MISSING AIRCRAFT

NON-AIR CARRIER ACCIDENT REPORTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 30th day of July 1952.

The attention of the Board has been called to the fact that many owners and operators of non-air carrier aircraft fail to report accidents in which no injury results to personnel although the aircraft suffers substantial damage. It appears that many persons are unable to evaluate "substantial damage" as that term is used in Part 62 in the definition of aircraft accident, and would prefer a reporting requirement modeled after State automotive reporting statutes where a dollar amount based upon cost of repair is the established criteria.

Various dollar amounts have been suggested to be consistent with those established for particular States for the reporting of automobile accidents. However, the Board considers that a figure of $100 is sufficiently low to insure that the Board will obtain reports of all incidents where an aircraft suffers substantial damage, and at the same time will not unduly burden it with reports of minor and trivial incidents which would serve no useful purpose.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 62 of the Civil Air Regulations (14 CFR Part 62, as amended), effective September 28, 1952:

1. By amending § 62.36 to read as follows:

§ 62.36 *Report of aircraft accident.* A written report shall be made of every aircraft accident incident to flight, involving aircraft of United States registry, wherever it may occur. Upon request to the pilot, owner, or operator by an authorized representative of the Civil Aeronautics Board or the Civil Aeronautics Administration, a written report will also be required on any aircraft accident not incident to flight, or on any occurrence involving minor injury or minor damage. For the purpose of this section only, "substantial damage", as used in the definition of aircraft accident, is damage where the reasonably estimated cost of repair is $100 or more.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sections 601, 702, 52 Stat. 1007, 1013; 49 U. S. C. 551, 582)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 52-8534; Filed, Aug. 4, 1952; 8:54 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53059]

PART 16—LIQUIDATION OF DUTIES

PROCEDURE; NOTICE OF LIQUIDATION

In the computation of duties in the liquidation of all formal entries, ad valorem rates are applied to the values in even dollars, in accordance with the customs regulations. It is believed that it would be good administrative practice and in the over-all public interest to authorize the extension of the practice to all other kinds of entries. Accordingly, § 16.2 (a), Customs Regulations of 1943 (19 CFR 16.2 (a)), as amended, is hereby amended by deleting the last sentence.

This amendment shall be effective as to entries liquidated on and after 30 days after publication of this amendment in the weekly Treasury Decisions. Compliance with the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003) is considered unnecessary and contrary to the public interest inasmuch as the changes prescribed will facilitate the computation of duties and will result in only slight increases or decreases in the amounts of duties as now computed.

(Secs. 505, 624, 46 Stat. 732, 759; 19 U. S. C. 1505, 1624)

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: July 29, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-8490; Filed, Aug. 4, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 120, Amdt. 3]

CPR 120—CEILING PRICES FOR TERRITORIAL RESTAURANTS AND EATING AND DRINKING ESTABLISHMENTS

ADJUSTMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 3 to Ceiling Price Regulation 120 is hereby issued.

STATEMENT OF CONSIDERATIONS

The restaurant prices in the territories and possessions were frozen by the GCPR, which was effective January 26, 1951, at the highest prices in effect during the base period, December 19, 1950 to January 25, 1951. On March 13, 1951, CPR 11, an interim regulation, was issued which established ceiling prices on the basis of a fixed markup over cost of food.

Since the issuance of CPR 11, however, food costs have become relatively stable

and accordingly, after a thorough study of industry practices in the Territories, on January 17, 1952, CPR 120, freezing restaurant prices at the level prevailing in the period January 2 through January 15, 1952, was issued by the OPS.

Because it was felt desirable, prior to permitting adjustments, to have a period of operating experience under CPR 120, no adjustment provision was set forth in that regulation. Based on operational experience of more than 5 months, the OPS is now ready to provide an adjustment section for the regulation.

Some restaurant operators during the period January 2 to January 15, 1952, were using as their selling prices, prices which were lower than the ceiling prices permitted them under CPR 11. These sellers were absorbing at least a part of the increased cost of food. This amendment, therefore, permits sellers whose food cost ratio per dollar of sales for the three-month period, January–March, 1952, was higher than their food cost ratio per dollar of sales in the base period of CPR 11, to redetermine their ceiling prices, prior to October 1, 1952, to reflect the increased costs. Similarly, a seasonal operator is permitted by this amendment to redetermine his ceiling prices to reflect any increased food costs he experienced in his 1951 or 1952 season over his corresponding seasonal period of operation during the CPR 11 base period.

This adjustment is a one-time action. Food costs in the territories will be constantly observed by the OPS and if it appears that there are subsequent disproportionate increases in costs of certain foods the OPS will consider issuing a further adjustment provision.

There are areas in the territories where the Wage Stabilization Board has permitted one or more wage increases for the employees of the restaurant industry. Historically, the industry has varied prices of meals, food items, and beverages with variations in food cost only. The steady increase in certain areas in the territories, however, has made it necessary under the Industry Earnings Standard of the OPS to permit an adjustment for operators whose labor cost per dollar of sales ratio for the month immediately preceding the month in which his application is filed has increased over the corresponding month of 1951, provided his food cost ratio per dollar of sales for the preceding three-month period has not decreased more than 5% from his food cost ratio per dollar of sales in the corresponding three-month period of 1951. These restaurateurs are permitted by this amendment to apply to the OPS for an increase in ceiling prices which will reflect the increase in the labor cost per dollar of sales ratio. In formulating this amendment, the Director of OPS has consulted with industry representatives in each of the territories, including industry advisory committees and trade association representatives, and has given consideration to their recommendations. In his judgment, the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

1. Ceiling Price Regulation 120 is amended by inserting section 13 as follows:

SEC. 13. *Adjustments*—(a) *Food costs.* If the food cost per dollar of sales ratio actually experienced by you during the three month period January–March, 1952, was higher than the food cost per dollar of sales ratio during the adjustment base period (defined in section 20 (a)), you may, not later than October 1, 1952, recalculate your ceiling prices in the following manner:

Divide the food cost per dollar of sales ratio for the three month period January–March, 1952, by the food cost per dollar of sales ratio in the adjustment base period. Multiply your present ceiling price for each meal, food item, or beverage by the result of this division. Example: Your food cost per dollar of sales ratio for the adjustment base period is 40%. Your food cost per dollar of sales ratio for the three month period January–March, 1952, is 42%. .42÷.40=1.05. You sell a dinner with a ceiling price of $1.00 otherwise established under this regulation. $1.00×1.05=$1.05, your new ceiling price for that dinner. The price thus determined is your new ceiling price for that meal, food item, or beverage only when you have made the necessary reports and posted the required posters under the provisions of paragraph (d) of this section.

(b) *Seasonal operators.* If you are a seasonal operator, as indicated in section 5 of this regulation, and the food cost per dollar of sales ratio actually experienced by you during your 1951 or 1952 seasonal period was higher than the food cost per dollar of sales ratio during the corresponding period in the adjustment base period, you may recalculate your ceiling price in the following manner:

Divide the food cost per dollar of sales ratio for the seasonal period of 1951 or 1952 by the food cost per dollar of sales ratio of the corresponding period of the adjustment base period. Multiply your present ceiling price for each meal, food item, or beverage by the result of this division. The price thus computed becomes your ceiling price for that meal, food item, or beverage, only when you have complied with the reporting and posting requirements of paragraph (d) of this regulation.

(c) *Labor or wage increase adjustments.* You may apply by registered mail for an increase in your ceiling price to reflect the increase in your labor cost if your labor cost per dollar of sales ratio for the calendar month preceding the date of your application is more than your labor cost per dollar of sales ratio for the corresponding month of 1951, and if your food cost ratio for the three calendar month period immediately preceding the date of your application has not decreased more than five per cent from your food cost ratio per dollar of sales for the corresponding three month period of 1951. The application, which must be signed, must be addressed to your Territorial Office of the Office of Price Stabilization and must contain the following information:

(1) Name and address of business.

(2) Labor cost per dollar of sales ratio for the calendar month preceding the date of your application (indicating what month is used).

(3) Labor cost per dollar of sales ratio for the corresponding month of 1951 (indicating what month is used).

(4) Food cost per dollar of sales ratio for the three month period immediately preceding the date of your application.

(5) Food cost per dollar of sales ratio for the corresponding three month period of 1951.

(6) Proposed percentage increase in ceiling prices. (Subtract subparagraph (3) from (2).)

The Director of Price Stabilization may, by order, approve, disapprove, or revise downward the percentage markup proposed in your application. You may not use your new ceiling prices based on this markup until the Director has notified you, in writing, of his approval of your markup and until you have inserted your new ceiling prices on a new poster provided by the OPS, and posted it in your restaurant.

(d) *Notification and posting.* (1) You must notify your OPS Territorial Office in writing of the factor you used in recomputing your ceiling prices under paragraph (a) or (b) of this section. You must also in this statement include your business name and address and a statement of the food cost per dollar of sales ratios used by you to determine the factor by which you increased your ceiling prices.

(2) Before you may use the ceiling prices computed under paragraphs (a), (b), and (c) of this regulation, you must obtain a new OPS official poster from your OPS Territorial Office and list on the poster the items required under the regulation. The new poster will take the place of your present poster and must be displayed as required in section 8 of this regulation.

(e) *Rounding of fractions.* You may elect which of the two following methods of rounding you wish to use, but having made that election, you must use that method of rounding for all ceiling prices recomputed under paragraphs (a), (b), or (c) of this section.

(1) You must round ceiling prices to the nearest multiple of 5¢. Prices which are 2½¢ or more higher than the next lowest multiple of 5¢ may be rounded upward, or prices which result in a fraction of less than 2½¢ above the next highest multiple 5¢ figure must be rounded downward; or

(2) Fractions of a cent must be dropped if less than ½¢ and may be increased to the next highest cent if ½¢ or more.

2. Section 20 of CPR 120 is amended by adding at the end of the section the following definitions:

(l) "Food cost per dollar of sales ratio" means the ratio between the total cost of "food" and the total sales. In computing this ratio for periods other than the base period, you must use the same methods as those used in the base period of CPR 11, treating taxes in the same way as you did then, and including only items of expense in food cost that you included then. However, if it was your custom to include in your food cost some nominal non-food items such as ice, straws, and napkins, you may continue to do so. "Food" includes beverages, both alcoholic and non-alcoholic

unless you kept separate records showing the cost and gross sales of alcoholic beverages in which case you may maintain a separate "food cost per dollar of sales ratio" for alcoholic beverages.

(m) "Labor cost per dollar of sales ratio" means the ratio between your total expenditures for labor in connection with your restaurant business in a specified period and your total sales in that period. If you maintain a separate food cost ratio for alcoholic beverages, you must compute two separate labor cost ratios, apportioning your labor costs accordingly.

(n) "Adjustment base period" means the calendar year 1950, or the twelve month period ending June 30, 1950.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This ceiling price regulation 120, Amendment 3 is effective August 9, 1952.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 4, 1952.

[F. R. Doc. 52-8709; Filed, Aug. 4, 1952; 4:00 p. m.]

[Ceiling Price Regulation 120, Supplementary Regulation 1]

CPR 120—CEILING PRICES FOR TERRITORIAL RESTAURANTS AND EATING AND DRINKING ESTABLISHMENTS

SR 1—ADJUSTMENTS FOR INCREASES IN FOOD COSTS IN ALASKA, GUAM, AND HAWAII, DUE TO WEST COAST MARITIME STRIKE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 1 to Ceiling Price Regulation 120 is hereby issued.

STATEMENT OF CONSIDERATIONS

The strike on the west coast of the United States, and the exemption of fresh fruits and vegetables from price control by the Defense Production Act Amendments of 1952, particularly at a time when, because of the strike they are in short supply, has caused an increase in costs to operators of restaurants in Alaska, Guam, and Hawaii, and in some instances a severe squeeze on their margins. Consultation with members of the industry indicates that the continued operation of Ceiling Price Regulation 120 through this strike period might result in restaurant operators receiving less than the margin required by section 402 (k) of the Defense Production Act.

This supplementary regulation, therefore, permits restaurant operators in these three territories to increase their ceiling prices otherwise established under Ceiling Price Regulation 120, by the percentage increase in their food costs during a current 30 day period, as compared with their food costs during the month of May 1952.

The Office of Price Stabilization will revoke this Supplementary Regulation when it deems the strike emergency has ended.

The Office of Price Stabilization has consulted informally with many members of the restaurant industry in these territories, and has given consideration to their recommendations in the formulation of this supplementary regulation. In the judgment of the Director of Price Stabilization, this supplementary regulation is fair and equitable and is necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Adjustments.
3. Posting.
4. Records.
5. Applicability of Ceiling Price Regulation 120.
6. Definitions.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup., 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation establishes a method whereby operators of restaurants and eating and drinking establishments in the Territories of Alaska and Hawaii and in Guam may recompute their ceiling prices to reflect recent increases in certain food costs.

SEC. 2. *Adjustments.* If you operate a restaurant or eating and drinking establishment in the Territory of Alaska, the Territory of Hawaii, or in Guam, and your ceiling prices are established by Ceiling Price Regulation 120, your ceiling prices otherwise established under CPR 120 may be increased by a percentage markup to be calculated as follows:

(a) *First calculation.* (1) Determine your total food costs for the month of May, 1952. This figure is hereafter referred to as your "base adjustment cost."

(2) Determine your total food cost for the 30 day period immediately preceding the date of your calculation.

(3) Divide subparagraph (2) by subparagraph (1) and subtract 1.00 from the result, which when multiplied by 100 to clear the decimal, is the percentage markup by which your ceiling prices otherwise established under CPR 120 may be increased.

(b) *Second and succeeding calculations.* (1) If you have elected to take advantage of the supplementary regulation you must, at the end of each 30 day period following your original calculation, calculate your total food cost for that 30 day period.

(2) Divide this figure by your base adjustment cost.

(3) If the percentage markup resulting from this division is lower than your percentage markup calculated under paragraph (a) of this section, you must use this lower percentage markup instead of the percentage markup calculated under paragraph (a). You need not, however, decrease your selling prices below the ceiling prices otherwise established under CPR 120. If your percentage markup is higher than that computed under paragraph (a), you may use the higher figure in computing your ceiling prices.

SEC. 3. *Posting.* In the immediate vicinity of the poster which you are required to post in your establishment under section 8 of CPR 120, you must post a statement which is to read as follows: "For the duration of the strike emergency, the OPS has authorized us to increase our prices by ——— percent."

SEC. 4. *Records.* In addition to the records you are required to keep under CPR 120, you must keep, for two years, records showing your food cost for the 30 day periods used in determining your markup. You must also keep your worksheets showing the calculation of the percentage markup.

SEC. 5. *Applicability of Ceiling Price Regulation 120.* Except as modified by the provisions of this supplementary regulation, all of the provisions of CPR 120 remain in full force and effect.

SEC. 6. *Definitions.* The terms "food cost" or "cost of food" as they are used in this supplementary regulation include only customary purchases of customary quantities from your customary type of supplier. Food costs may not exceed your supplier's ceiling prices in any case, nor may food costs include extraordinary shipping charges such as air freight, unless you customarily, prior to January 26, 1951, purchased the same commodity shipped by air freight and passed those freight charges on to your customers, or unless the Office of Price Stabilization by regulation, specifically authorizes the passing through of air freight or other extraordinary freight charges on a specific commodity.

Effective date. This Supplementary Regulation 1 to Ceiling Price Regulation 120 is effective August 4, 1952.

NOTE: The record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 4, 1952.

[F. R. Doc. 52-8710; Filed, Aug. 4, 1952; 4:00 p. m.]

[General Overriding Regulation 7, Revision 1, Amdt. 6]

GOR 7—EXEMPTIONS AND SUSPENSIONS OF CERTAIN FOOD AND RESTAURANT COMMODITIES

CIGARS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 6 to General Overriding Regulation 7, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 7, Revision 1, suspends the provisions of the General Ceiling

Price Regulation (GCPR) and Ceiling Price Regulation (CPR) 31 on and after August 4, 1952, insofar as these regulations are applicable to cigars. This action is taken in line with the agency's general policy relating to the suspension or relaxation of price controls.

Ceiling prices for cigars were set by the GCPR at the start of the present stabilization program. These ceilings have never been changed, except that imported cigars, like other imported commodities, have been placed under CPR 31.

Market prices, thus far, have generally remained at the GCPR ceilings, according to all available evidence. It has been indicated for some time, however, that cigar manufacturers might be entitled to a price increase because of increased costs of labor and leaf tobacco. A survey of the industry's position, therefore, was undertaken by OPS. Upon its completion it became clear that under the industry earnings standard a small increase was in order. In putting such an increase into effect, however, several difficulties would be encountered.

In the first place, a price increase of a few percent would amount to a small fraction of a cent per cigar. Since cigars are sold by the piece, or in units of a few, the minimum increase which would be practical would have to exceed the amount required under the industry earnings standard.

A further increase would be necessary because of special features of the excise tax. This tax is graduated by retail price classes, with a uniform tax rate set for all cigars in each price class. For instance, a tax of $4.00 per thousand applies to cigars sold at retail for over 4 cents and not over 6 cents; a tax of $7.00 per thousand applies to those sold over 6 cents and not over 8 cents; a tax of $10.00 per thousand to those sold over 8 cents and not over 15 cents; and so forth. These price classes, and those below and above them, are set so as to fit the customary price schedules of the industry. If present prices were increased by the minimum practical amounts, some price categories would move from one tax bracket to the next higher and the tax increase would be greater than the price increase. Therefore, a still greater price increase would have to be made so as to allow the industry to raise its revenue by the amount indicated under the industry earnings standard.

On the other hand, there is evidence indicating that the industry would not, and perhaps could not, raise its selling prices as much as ceiling prices would have to be increased. Sales of cigars have tended to decline for a number of years. While the decline in the total number of cigars sold was arrested or reversed in a few of the more recent years, this was due only to the substitution of smaller and low-priced cigars for larger cigars. In spite of this shift in production, the industry has not been able to retain its share of the market for tobacco products. For instance, it is estimated according to the Department of Agriculture figures that last year 15 cigars were sold for each thousand cigarettes while five years earlier the ratio was 19 to a thousand; and, for each dollar spent on cigarettes last year, consumers spent only about 13 cents on cigars, as against 21 cents five years earlier. Thus the amount spent has declined relatively much more sharply than the number of units sold.

There is at present no evidence of inflationary pressure sufficient to modify significantly this long range trend. It, therefore, is safe to conclude that in the absence of control, market prices would be materially below ceiling prices if these were raised not only by the small amount justified under the industry earnings standard but by the substantially larger amount necessitated by the conditions discussed above, especially the excise tax schedule. The available evidence further indicates no prospect that price increases, if any, would be large enough to approach the higher ceilings and would thus require the reimposition of ceilings in the foreseeable future. Thus cigars are found to conform at present to the requirements of the agency's suspension standards. While this finding would technically be more obvious after the otherwise required increase in ceiling prices, the purpose of price stabilization clearly is better served by permitting suspension immediately rather than first issuing ceiling prices inflated to meet the unusual technical difficulties here involved.

It is, therefore, the judgment of the Director of Price Stabilization that price ceilings on cigars at this time are not needed for the achievement of the purposes of the Defense Production Act of 1950, as amended, and therefore should be suspended. The Director may at any time terminate or modify this suspension if he determines that such action is necessary in the interest of the stabilization program, and the suspension will be terminated, in any event, if the prices of cigars generally, or of types of cigars accounting for a substantial proportion of total sales, approach and threaten to exceed the ceiling prices required under the act and the standards of the agency.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations. In the judgment of the Director of Office of Price Stabilization the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

AMENDATORY PROVISIONS

General Overriding Regulation 7, Revision 1, is amended by the addition of section 11 to Article III to read as follows:

SEC. 11. *Suspension of controls applicable to cigars.* On and after August 4, 1952, the application of all ceiling price regulations, heretofore or hereafter issued by the OPS, relating to the sales of imported or domestic cigars is suspended. If, however, you are a seller of such cigars and were required by any regulation heretofore issued to keep, prepare, or preserve any record concerning these commodities, you shall continue to preserve and make available for examination by the Office of Price Stabilization in the manner and for the period set forth in that regulation, all such records which you were required to have on August 3, 1952. In addition, the Director of Price Stabilization or his authorized representative may, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, request, or require you to submit data pertaining to prices charged for those commodities and to changes made in the prices of these commodities after August 3, 1952. This suspension will continue unless and until the Director of Price Stabilization terminates or modifies it.

Effective date. This Amendment 6 to GOR 7, Revision 1, is effective August 4, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 4, 1952.

[F. R. Doc. 52-8708; Filed, Aug. 4, 1952; 12:04 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-6A, Direction 3 as Amended Aug. 1, 1952]

M-6A—STEEL DISTRIBUTORS

DIR. 3—SUPPLEMENTAL SHIPMENTS BY PRODUCERS; LIMITATIONS ON DISTRIBUTORS' DELIVERIES

This direction, as amended, to NPA Order M-6A is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the issuance of this amended direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

Direction 3, dated July 28, 1952, to NPA Order M-6A is hereby amended as follows:

Section 2 is amended to exclude material in process on July 28, 1952, and to clarify the provisions of said section with respect to its application to each item of steel; section 3 is amended for purposes of clarification and to add a paragraph excluding oil country goods from the provisions of said section.

Sec.
1. What this direction does.
2. Limitations on deliveries by distributors.
3. Shipments to distributors.
4. Item limitation.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429,

82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61, 3 CFR 1951 Supp.; secs. 402, 405, E. O. 10261, Aug. 28, 1951, 16 F. R. 8789; 3 CFR 1951 Supp.

SECTION 1. *What this direction does.* This direction makes a number of changes in the present orders and regulations concerning steel distributors. These changes are occasioned by the recent work stoppage in the steel industry. It requires certain forms and shapes in stock or acquired by distributors to be shipped or delivered by them only on defense orders for a limited period. It increases the quantities of steel required to be shipped by producers to distributors subject to certain limitations. It makes provision with respect to the recent production losses. It temporarily modifies section 5 of NPA Order M–6A by permitting steel distributors to accept and fill orders for smaller quantities than heretofore required.

SEC. 2. *Limitations on deliveries by distributors.* From the effective date of this direction through the close of business August 7, 1952, no steel distributor shall ship or deliver any item of any steel product in the shapes and forms listed in List A of this direction from his inventory of such steel on hand on July 28, 1952, except on authorized controlled material orders bearing a program identification consisting of the letter A, B, C, or E and one digit (including the program identification B–5 where it appears as a suffix), or the program identification Z–2: *Provided*, That this limitation shall not apply to any item of any steel product which, as of July 28, 1952, had been processed, or was in process, to meet a customer's particular specfications. No steel distributor, who receives steel in the shapes and forms listed in List A of this direction during the period from the effecfive date of this direction through the close of business December 31, 1952, shall ship or deliver more than 50 percent of the tonnage of any item of any steel product listed in List A, received in any one shipment during such period for a period of 15 days after receipt of any such shipment, except on authorized controlled material orders bearing a program identification consisting of the letter A, B, C or E and one digit (including the program identification B–5 where it appears as a suffix), or the program identification Z–2. Accurate records of each transaction covered by this section shall be set up and maintained by each steel distributor in accordance with and pursuant to the provisions of section 10 of NPA Order M–6A.

SEC. 3. *Shipments to distributors.* (a) Subject to the limitations in this paragraph, each producer shall be obligated to accept purchase orders from steel distributor customers which call for shipments during the months of September, October, and November, 1952, or to ship on unfilled orders calling for earlier delivery, up to a minimum of not less than 120 percent of the base tonnage of each steel distributor customer instead of the 100 percent presently provided in section 3 of NPA Order M–6A. A producer may cancel orders (to the extent hereafter provided) for any product received from any steel distributor customer in excess of such distributor's base tonnage of that product, if the total tonnage of orders for that product scheduled for delivery in that month from steel distributors, from further converters as defined in NPA Order M–1, and from persons placing authorized controlled material orders bearing a program identification consisting of the letter A, B, C or E and one digit (including the program identification B–5 where it appears as a suffix), or the program identification Z–2, exceeds 50 percent of the producer's planned production for that month. The amount by which such orders mentioned in the preceding sentence exceed 50 percent of such producer's planned production is herein referred to as the "supplemental tonnage." If the supplemental tonnage amounts to 20 percent or more of the base tonnage of all steel distributor customers, then all steel distributor orders for that product in excess of the base tonnage shall be cancelled. If the supplemental tonnage is less than 20 percent of the base tonnage of all steel distributor customers then a percentage of the orders for that product from any steel distributor customer in excess of such distributor's base tonnage of that product shall be cancelled. Such percentage shall be determined by dividing the supplemental tonnage by 20 percent of the base tonnage of all steel distributor customers. If any such order is cancelled there shall be no obligation upon the producer cancelling the order to fill the same in a subsequent month.

(b) To the extent practicable and within the limitations of paragraph (a) of this section, producers shall ship during August 1952 to their steel distributor customers up to a minimum of 120 percent of their base tonnage on orders calling for delivery during the month of August or in prior months.

(c) Under section 3 to NPA Order M–6A producers are required to accept purchase orders from steel distributor customers up to a minimum of 100 percent of such distributor's base tonnage. To the extent that shipments of such orders were or are stopped for reasons occasioned by the work stoppage, producers are not required to accept orders pursuant to section 3 of NPA Order M–6A, provided tonnage is shipped to distributors in the quantities provided in section 3 (a) of this direction, it being the intent hereof that the flow of steel to distributors commence immediately pursuant to this section 3, but that producers be relieved of any obligation to make up lost tonnages.

(d) The provisions of this section shall not be applicable to oil country casing, tubing, drill pipe, or couplings.

SEC. 4. *Item limitation.* During the period from the effective date of this direction through the close of business November 29, 1952, no steel distributor shall be required to make delivery on an authorized controlled material order from inventory to any one customer to any one destination during any calendar week of any item of a steel product in quantities in excess of the following:

Any item of carbon steel more than 4,000 pounds.

Any item of alloy steel more than 2,500 pounds.

Any item of stainless steel sheet more than 1,000 pounds.

Any item of stainless bars and plates more than 500 pounds.

Any item of stainless tubing or pipe more than 500 pounds or feet, whichever is less.

In no case shall a steel distributor be required to make deliveries to any one customer aggregating 20,000 pounds or more during any calendar week unless the deliveries include 10 or more different items, subject to the limitations of the preceding sentence as to each item.

This direction, as amended, shall take effect August 1, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

LIST A

Bar, hot-rolled.
Bar, cold-finished.
Electrical sheet and strip (high-grade).[1]
Structural shapes (wide-flanged sections).[2]
Pressure tubing—seamless and welded.
Mechanical tubing—seamless.
Plate, sheared.
Sheet and strip—hot-rolled.
Sheet and strip—cold-rolled.

[F. R. Doc. 52-8610; Filed, Aug. 1, 1952; 5:12 p. m.]

[Revised CMP Regulation No. 6, Amendment 3 of August 4, 1952]

CMP REG. 6—CONSTRUCTION

AMENDMENT OF SECTION 24 AND TABLE II

This amendment to Revised CMP Regulation No. 6 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the amendment affects many different industries.

EXPLANATORY

This amendment affects section 24, and Table II of Revised CMP Regulation No. 6, as last amended by Amendment 2 of July 23, 1952. It completely revokes the present section 24 of the regulation, and substitutes a new section 24 in its place. It changes some of the quantities of copper and aluminum specified in Table II of the regulation for which self-authorization orders may be placed.

AMENDATORY PROVISIONS

Revised CMP Regulation No. 6 is amended in the following respects:

1. Section 24 is amended to read as follows:

[1] AISI—M17, M15, M14, and oriented.

[2] Wide-flanged sections are steel beams or columns having parallel face flanges rolled on a universal structural mill or Gray mill, in sizes ranging in depth from 4 to 36 inches.

SEC. 24. *Limitations on the use of controlled materials.* (a) Except as permitted in paragraph (c) of this section, no person shall use aluminum controlled material (as defined in Table III of this regulation) in, or in connection with, the construction of any building, structure, or project of a type specified in Table I of this regulation (Recreational, entertainment, and amusement construction).

(b) Aluminum controlled material may be used for any purpose in all construction other than the categories specified in Table I of this regulation (Recreational, entertainment, and amusement construction).

(c) In any construction project of the type specified in Table I of this regulation (Recreational, entertainment, and amusement construction), aluminum may be used, but only as a conductor of electric current.

2. Table II is amended to read as follows:

TABLE II—CATEGORIES OF CONSTRUCTION AND QUANTITIES OF CONTROLLED MATERIALS FOR WHICH PURCHASE ORDERS MAY BE SELF-AUTHORIZED

1. *Construction of industrial plants, factories, or facilities:*

NOTE: These quantities are per project, per quarter.

25 tons of carbon steel and alloy steel, including all types of structural shapes (not to include more than 2½ tons of alloy steel and no stainless steel).
5,000 pounds of copper and copper-base alloys.
4,000 pounds of aluminum.

2. *Construction and maintenance of all rural and urban highways, etc., under the jurisdiction of the Bureau of Public Roads (see Table IV of this regulation):*

NOTE: These quantities are per project, and not per quarter.

25 tons of carbon steel (not to include more than 2 tons of all types of structural shapes).
500 pounds of copper and copper-base alloys.
500 pounds of aluminum.
No stainless steel or alloy steel.

3. *Categories of construction specified in Table I of this regulation (Recreational, entertainment, and amusement construction), and housing on military reservations and all military housing under P. L. 211, 81st Congress (Wherry Act) and federally owned housing on federally owned property under the control of the Atomic Energy Commission:*

No self-authorization is permitted.

4. *All other construction (see section 28 of this regulation for exemptions from this regulation):*

NOTE: These quantities are per project, per quarter.

5 tons of carbon steel (not to include more than 2 tons of structural shapes but no wide-flange beam sections or columns).
1,000 pounds of copper and copper-base alloys.
2,000 pounds of aluminum.
No stainless steel or alloy steel.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect August 4, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-8692; Filed, Aug. 4, 1952; 11:39 a. m.]

[NPA Order M-47A, Amendment 1 of August 4, 1952]

M-47A—USE OF COPPER AND ALUMINUM IN CERTAIN CONSUMER DURABLE GOODS AND RELATED PRODUCTS

AMENDMENT OF SECTION 3 (a)

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the amendment affects many different trades and industries.

AMENDATORY PROVISIONS

NPA Order M-47A, as amended October 11, 1951, is hereby further amended by revising paragraph (a) of section 3 to read as follows:

SEC. 3. *Prohibited use of copper and aluminum.* (a) Prior to August 4, 1952, no person who produces any product included in List A or List B of this order or who produces any part specifically designed for use in any such product shall:

(1) Use copper or aluminum, or any part containing either such material, for any ornamental or decorative purpose, except in an end-product which is primarily ornamental or decorative and is not ordinarily permanently attached to or used as a part of another end-product; or

(2) Subject to the same exception as is stated in the preceding subparagraph, use a greater quantity of copper or aluminum, or any part containing a greater quantity of either such material, than is necessary for functional or operational purposes; or

(3) Use a better grade of copper or aluminum, or any part containing a better grade of either such material, than is necessary for functional or operational purposes.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154).

This amendment shall take effect August 4, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-8693; Filed, Aug. 4, 1952; 11:39 a. m.]

[NPA Order M-47B, as Amended August 4, 1952]

M-47B—USE OF CONTROLLED MATERIALS IN CERTAIN CONSUMER DURABLE GOODS

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended order, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the order affects many different trades and industries.

EXPLANATORY

NPA Order M-47B, as amended April 15, 1952, and as further amended by Amendment 1 of July 14, 1952, is hereby amended by deleting section 5 of the order, which has heretofore prohibited the use of copper and aluminum for certain purposes, and by deleting or amending certain definitions and other provisions of the order to the extent they relate to the prohibited use of such materials. This amendment amends section 1, deletes paragraphs (b) and (c) of section 2, amends section 3, amends paragraphs (a) and (b) of section 4, deletes paragraph (d) of section 4, deletes section 5, redesignates sections 6 through 9 as sections 5 through 8 respectively, and amends Schedule I of the order.

REGULATORY PROVISIONS

Sec.
1. Purpose.
2. Definitions.
3. Application of this order.
4. Authority to use allotments of controlled materials to produce other products.
5. Request for adjustment or exception.
6. Records and reports.
7. Communications.
8. Violations.

AUTHORITY: Sections 1 to 8 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *Purpose.* The purpose of this order is to provide for a degree of flexibility in the production of certain consumer durable goods, by permitting a CMP allotment received for the production of one product to be used, subject to certain limitations, in the production of a different product.

SEC. 2. *Definitions.* The following terms shall have the same meanings as given for such terms in section 2 of CMP Regulation No. 1.

(1) Person.
(2) Controlled material.
(3) Industry division.
(4) Prime consumer.
(5) Allotment.
(6) Class A product.
(7) Class B product.

SEC. 3. *Application of this order.* This order applies to any producer of any Class B product in Schedule I of this order. This order does not apply to the production of controlled materials.

SEC. 4. *Authority to use allotments of controlled materials to produce other products.* (a) Notwithstanding the provisions of any CMP regulation, any prime consumer, who has received from an industry division an allotment of any iron and steel, copper, or aluminum in the

controlled material forms and shapes listed in Schedule I to CMP Regulation No. 1 for the production, during any calendar quarter, of any Class B product in Schedule I of this order, may, during such quarter, use all or part of such allotment, and the rating authorized for use in connection therewith, for the production of any other Class B product or products included in Schedule I if each of the other Class B products which the allotment is used to produce is either (1) one for which he also received an allotment for such quarter from an industry division, or (2) one which he has produced, for purpose of sale, on or after July 1, 1949. In all other respects, the provisions of CMP regulations shall apply to such production.

(b) Nothing in this section shall be deemed to increase or to serve as a basis for increasing the amount of any controlled material allotted to any person for production of all products in Schedule I of this order, or for all production.

(c) Paragraph (a) of this section shall not apply to any allotment specifically made for the production of repair or replacement parts.

SEC. 5. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 6. *Records and reports.* (a) Each person participating in any transaction covered by this order, or who relies on section 4 of this order, shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Any person who receives from the Washington office of NPA allotments under two or more product class codes listed in Schedule I of this order shall file NPA Form CMP 60 on or before the first day of the third month of each calendar quarter with the National Production Authority, Washington 25, D. C., Ref: M–47B.

(d) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 7. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–47B.

SEC. 8. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

NPA Order M–47B as so amended shall take effect August 4, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

SCHEDULE I OF NPA ORDER M–47B

(Note: Listings are in accordance with the official CMP Class B Product List of February 1, 1952)

Product class code	*Products*
2342091	Corset and allied garment accessories.
2392	Housefurnishings, fabric (containing controlled materials).
23940	Canvas products.
24930	Frames for mirrors and pictures.
2511	Wood household furniture, except upholstered.
2512091	Dual-purpose sleeping equipment.
2512092	Wood household furniture, upholstered, n. e. c.
25130	Reed and rattan furniture (including bassinets).
2514	Metal household furniture.
2531092	Public building furniture, n. e. c.
25412	Cases, cabinets, counters, and other fixtures.
25620	Window shades and accessories.
2563	Venetian blind parts and accessories.
25910	Restaurant furniture.
2599092	Furniture and fixtures, n. e. c.
34211	Cutlery, scissors, shears, and trimmers.
34292	Furniture hardware.
3429391 3429392	Vacuum bottles and jugs, 1-quart and over.
3429691	Specialized hardware, fireplace equipment only.
3429699	Harness and saddlery hardware.
34396	Domestic cooking stoves, ranges, and cooking appliances, except electric.
34611	Vitreous-enameled cooking and kitchen utensils, except hospital utensils.
3463794	Ice cube trays and lunch boxes, metal; aluminum ice cube trays only.
3463795	Stamped or pressed metal end products, n. e. c.
34639	Stamped and spun cooking and kitchen utensils, except commercial cooking, kitchen, and hospital utensils, and commercial baking pans.
34712	Incandescent portable lamps.
3471591	Fluorescent portable lamps.
3489695	Wire products, n. e. c.
3499292	Fabricated metal products, n. e. c.
3499294	Bed rails, metal.
35227	Lawn mowers and lawn sweepers.
35811	Household mechanical washing machines.
3581291	Household ironers.
3581292	Household laundry equipment, n. e. c.
3583091	Sewing machines, household.
35841	Vacuum cleaners, household.
35851	Household mechanical refrigerators.
35852	Home and farm freezers.
3589292	Household machines, n. e. c.
36211	Electric fans, except industrial-type.
3621393	Electric razors and dry shavers.
3621394	Small household electric appliances, except fans.
36214	Household ranges, electric.
3699392	Electrical products, n. e. c., Christmas tree lighting outfits only.
37511	Motorcycles, bicycles, and motorcycle and bicycle parts, except repair parts.
39120	Jewelers' findings and materials.
3914091	Flatware, commercial and domestic.
3914092	Silverware, hollow ware and plated ware.
39310	Pianos.
39320	Organs.
39410	Games and toys, except dolls and children's vehicles.
39420	Dolls and stuffed toy animals.
3943092	Children's vehicles and parts.
3949091	Sporting and athletic goods.
3949092	Commercial fishing equipment (except water craft).
39510	Pens, mechanical pencils, and pen points.
39520	Lead pencils.
39540	Artists' materials and equipment.
39610	Costume jewelry and novelties, except precious metal.
39630	Metal buttons and parts, civilian-type.
3964093	Apparel fasteners.
3964094	Household needles, pins, similar notions, n. e. c., civilian-type.
39860	Jewelry cases and instrument cases.
39950	Umbrellas, parasols, and canes.
39960	Tobacco pipes and cigarette holders.
39970	Soda fountain and beer-dispensing equipment.
3999494	Miscellaneous fabricated products, n. e. c.
5012	Specialty products, n. e. c.
8921	Religious goods, n. e. c.

[F. R. Doc. 52-8694; Filed, Aug. 4, 1952; 11:40 a. m.]

[NPA Order M-74 and Direction 1; Revocation]

M-74—Use of Copper and Copper-Base Alloy in Construction Materials

DIR. 1—USE OF COPPER AND COPPER-BASE ALLOY IN INVENTORY AS OF JULY 1, 1951

REVOCATION

NPA Order M-74 (16 F. R. 7708) and Direction 1 of April 17, 1952 (17 F. R. 3457) are hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-74 or under Direction 1 as originally issued or as thereafter amended, nor deprive any person of any rights received or accrued under said order or direction prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective August 4, 1952.

National Production Authority,
By John B. Olverson,
Recording Secretary.

[F. R. Doc. 52-8695; Filed, Aug. 4, 1952; 11:41 a. m.]

[NPA Order M-77, Amendment 1 of August 4, 1952]

M-77—Communications

AMENDMENT OF SECTIONS 2 (i) AND 5

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment consultation with industry representatives has been impracticable because of the need for immediate action.

AMENDATORY PROVISIONS

NPA Order M-77 as last amended May 6, 1952, is further amended in the following respects:

1. Paragraph (i) of section 2 is amended by striking out all matter following the colon and by substituting the following:

5 tons of carbon steel (not to include more than 2 tons of structural shapes, but no wide-flange beam sections or columns).
1,000 pounds of copper and copper-base alloys.
2,000 pounds of aluminum.
No alloy steel or stainless steel.

2. The present section 5 is deleted, the subsequent sections are renumbered accordingly, and corresponding changes are made in the table of contents.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup 2154).

This amendment shall take effect August 4, 1952.

National Production Authority,
By John B. Olverson,
Recording Secretary.

[F. R. Doc. 52-8696; Filed, Aug. 4, 1952; 11:41 a. m.]

[NPA Order M-100, Amendment 2 of August 4, 1952]

M-100—Residential Construction

MISCELLANEOUS AMENDMENTS

This amendment to NPA Order M-100 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the amendment affects many different industries.

EXPLANATORY

This amendment affects sections 1, 4, 5, and 6, and Schedules I and II of NPA Order M-100 as last amended by Amendment 1 of June 18, 1952. The references to Schedule II in subparagraphs (1), (2), and (4) of paragraph (b) of section 4, and in paragraphs (b) and (d) of section 6 are amended to read: Schedule I. The provisions of section 5 are deleted, and the cross reference to section 5 in subparagraph (5) of paragraph (a) of section 1 is deleted. The quantities of copper and aluminum specified in Schedule I are amended, and Schedule II is deleted.

AMENDATORY PROVISIONS

NPA Order M-100 is amended in the following respects:

1. Subparagraph (5) of paragraph (a) of section 1 is amended to read:

(5) Deleted August 4, 1952.

2. The references to Schedule II in subparagraphs (1), (2), and (4) of paragraph (b) of section 4, and in paragraphs (b) and (d) of section 6 are amended to read: "Schedule I."

3. Section 5 is amended to read as follows:

Sec. 5. *Limitations on use of controlled materials for certain purposes in residential construction.* Deleted August 4, 1952.

4. Schedule I is amended to read as follows:

Schedule I of NPA Order M-100

Types and quantities of controlled materials which may be obtained under the self-authorization procedure, and which are the only types and the maximum quantities which may be used in 1- through 4-family residential structures

Residential structure using steel pipe water distribution system, per dwelling unit

New construction:	Pounds
Carbon steel (excluding structural shapes)	2,300
Carbon steel (structural shapes)	None
Alloy steel and stainless steel	None
Aluminum	275
Copper and copper-base alloys	200

Residential structure using copper pipe water distribution system, per dwelling unit

New construction:	Pounds
Carbon steel (excluding structural shapes)	1,950
Carbon steel (structural shapes)	None
Alloy steel and stainless steel	None
Aluminum	275
Copper and copper-base alloys	400

NOTES

(1) If a forced hot water heating system is installed, the owner may use and self-authorize purchase orders for an additional 200 pounds of copper and copper-base alloys; and if a radiant heating system is installed, he may use and self-authorize purchase orders for an additional 500 pounds of copper and copper-base alloys.

(2) For alterations, additions, or extensions, not more than 50 percent of the quantities specified above.

5. Schedule II is deleted.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect August 4, 1952.

National Production Authority,
By John B. Olverson,
Recording Secretary.

[F. R. Doc. 52-8697; Filed, Aug. 4, 1952; 11:42 a. m.]

Chapter XVII—Housing and Home Finance Agency

[CR 5]

CR 5—Private Defense Housing in Territories and Possessions of the United States: Regulation Governing Availability of Special Assistance for Construction of Defense Housing in Certain Critical Defense Housing Areas

The following regulation of the Housing and Home Finance Agency is issued pursuant to Title I of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 65 Stat. 293), Titles III and IX of the National Housing Act, as amended (12 U. S. C. 1701), Title V of the Housing Act of 1948 (62 Stat. 1268) as amended, Reorganization Plan No. 3 of 1947 (61 Stat. 954), and Executive Order 10296 (16 F. R. 10103).

GENERAL

Sec.

HOUSING TO BE HELD FOR RENT

SALES HOUSING AND OTHER HOUSING TO BE BUILT FOR OWNER-OCCUPANCY

Authority: Sections 1 to 17 issued under sec. 704, 64 Stat. 816, as amended, Pub. Law 139, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply Title VI, 64 Stat. 812, as

amended, Pub. Law 139, 82d Cong.; 50 U. S. C. App. Sup. 2131–2135, E. O. 10296, Oct. 2, 1951, 16 F. R. 10103; 3 CFR 1951 Supp.

GENERAL

SECTION 1. *Statement of purpose.* (a) Title I of the Defense Housing and Community Facilities and Services Act of 1951 and Executive Order 10296, approved October 2, 1951, authorize the Director of Defense Mobilization to designate areas specified by him as critical defense housing areas for purposes of that act. Under that title the Housing and Home Finance Administrator is authorized to determine and announce for any area so designated the number of permanent dwelling units (including information as to types, rentals, and general locations) needed for defense workers and military personnel in the area.

(b) Title II of the Defense Housing and Community Facilities and Services Act of 1951 amends the National Housing Act by adding a new Title IX, "National Defense Housing Insurance", pursuant to which a fund is established and conditions are set forth for the insurance by the Federal Housing Administration (a constituent agency of the Housing and Home Finance Agency) of mortgages covering defense housing in critical defense housing areas. The number of dwelling units in properties covered by mortgages insured under Title IX may not exceed the number authorized by the Housing and Home Finance Administrator from time to time as being needed in any defense area for defense purposes, and provision is also made in Title IX for prescribing procedures necessary to secure to persons engaged in national defense activities preference or priority of opportunity to purchase or rent housing covered by mortgages insured under that title.

(c) Title III of the National Housing Act (as amended by the Defense Housing and Community Facilities and Services Act of 1951 and other acts) provides that the Federal National Mortgage Association (which under the law is administered subject to the direction and control of the Housing and Home Finance Administrator) may give certain preferences, in its program of purchasing mortgages insured by the Federal Housing Administration or guaranteed by the Veterans Administration, to defense housing programmed by the Housing and Home Finance Administrator in critical defense housing areas.

(d) The major purposes of this regulation, issued by the Housing and Home Finance Administrator, are (1) to provide for the programming, pursuant to the laws referred to above, of defense housing needed for in-migrant defense workers or military personnel employed or stationed in critical defense housing areas (listed in the appendix to this regulation) in any Territory or possession of the United States where the failure to provide such housing in the areas would impede national defense activities; and (2) to prescribe uniform conditions and procedures under which housing in such areas in any Territory or possession will be approved as programmed defense housing. Such approval under this regulation is required in order for the housing to be eligible for FHA mortgage insurance under Title IX of the National Housing Act or for the special benefits provided in Title III of that act in connection with FNMA purchases of mortgages covering defense housing programmed by the Housing and Home Finance Administrator. The conditions, procedures, requirements and restrictions set out in this regulation are for the purpose of insuring that the programmed defense housing approved under this regulation will meet the needs of the in-migrant defense workers or military personnel and their families. In addition to the applicable conditions, requirements and restrictions imposed by or pursuant to this regulation, to be eligible for insurance under Title IX of the National Housing Act, applicants will be required to comply with all applicable provisions of regulations issued by the Federal Housing Administration pursuant to that title. Similarly, in addition to the applicable conditions, requirements and restrictions imposed by or pursuant to this regulation, the availability of special preferences in the purchase by the Federal National Mortgage Association of mortgages covering defense housing in the Territories and possessions of the United States will be governed by the regulations of that Association.

SEC. 2. *What this regulation does.* This regulation lists critical defense housing areas in the Territories and possessions of the United States in which this regulation will be applicable and prescribes, among other things, who may apply for the special assistance authorized in such areas under the several laws referred to above; the type of housing eligible; where and how to apply; the basis on which applications will be approved; the rules which applicants and their successors in interest must abide by with respect to holding and offering certain housing for rent or sale to persons engaged in national defense activities and with respect to rents or sales prices which may be charged; and the manner in which eligibility will be determined for the occupancy or purchase of housing programmed under this regulation.

SEC. 3. *Geographical areas affected.* This regulation will be applicable only to property located in "critical defense housing areas" as that term is defined in section 7 of this regulation. A critical defense housing area will be designated as such by the Housing and Home Finance Administrator for purposes of this regulation only where such area has been determined by proper authority to be a "critical defense housing area" within the meaning of the Defense Housing and Community Facilities and Services Act of 1951.

SEC. 4. *Type of housing eligible.* The housing eligible for approval under this regulation as programmed defense housing is limited to family dwellings which are suitable and intended for year-round occupancy. Only single-family dwellings are eligible for approval under sections 13 through 17 of this regulation which concerns sales housing and other housing to be built for owner-occupancy. Housing to be held for rent pursuant to the provisions governing rental housing set out in sections 8 through 12 of this regulation may be of any type which meets the requirements of the first sentence of this section. Thus, it may consist of a single-family home or single-family homes (whether detached, semi-detached, or row houses), two-family structures, or structures containing three or more family dwelling units.

SEC. 5. *Programming by HHFA.* Defense housing will be programmed for each critical defense housing area by the Housing and Home Finance Agency on the basis of housing market field surveys, and applications will be approved under this regulation in accordance with area program schedules of housing needed from time to time to serve in-migrant defense workers or military personnel employed or stationed at defense plants or installations in the area. Detailed area programs will be announced for each critical defense housing area. Such programs will relate to the location of the housing within such critical defense housing area, the number and types of rental or sales units required, the size (by number of bedrooms) of such units, the levels of rentals or sales prices which must be achieved if the housing is to meet the needs of the persons for whom it is intended and similar factors. Applications will be approved pursuant to the detailed procedures, standards, and conditions set out below.

SEC. 6. *Beginning of construction; time limit.* When an application is approved under this regulation, construction of the housing described in the application should be begun not later than sixty calendar days after the date of the approval, and should be continued with reasonable diligence thereafter. This approval automatically expires unless construction is begun either (a) within such sixty-day period or (b) within any extension of that period which shall have been approved by the local office of the Federal Housing Administration, and is continued with reasonable diligence. Applicants are required to furnish, with respect to units for which an application is approved under this regulation, such information concerning the beginning, progress, and completion of construction as may be requested by the Government.

SEC. 7. *Definitions.* As used in this regulation, the following words, terms, and phrases shall have the meaning set out in this section:

(a) *Beginning of construction.* For the purposes of this regulation, construction shall be deemed to be begun when any essential materials which are to be an integral part of the structure have been incorporated into the site in a permanent form (for example, when footings or other foundations have been poured or placed).

(b) *Completion of construction.* For the purposes of this regulation a dwelling unit shall be deemed to be completed when, in conformity with general prac-

tice in the community, it is ready for occupancy.

(c) *Family dwelling.* A "family dwelling" means a house or apartment designed for residential occupancy by two or more persons and which contains kitchen facilities or space designed for kitchen facilities. It does not include hotels, motels, rooming houses, club houses, fraternity or sorority houses, dormitories, or any other structure designed or used either for transient accommodations or for occupancy by single persons or by non-family groups.

(d) *Critical defense housing area.* A "critical defense housing area" (for purposes of this regulation) means an area designated as such by the Housing and Home Finance Administrator in the appendix to this regulation. This designation does not necessarily determine where housing which will be approved under this regulation may be located within the critical defense housing area. More specific information with respect to the location of such housing may be found in the area programs referred to in section 5 of this regulation. Thus, these area programs may specify geographical places (such as a city, county or township) within the critical defense housing area where such housing may be located or may set out a minimum standard for determining where such housing may be located, based on reasonable daily commuting distance from the defense plants or installations appearing in the "defense activity list" for the area.

(e) *Defense activity list.* The "defense activity list" means the list of defense plants or installations or defense-supporting service activities for each critical defense housing area appearing in the area program published in the FEDERAL REGISTER or on file in the FHA office for the district in which the area is located.

(f) *Eligible defense worker.* An "eligible defense worker" means (1) a civilian or a member of the Armed Forces employed or stationed at a defense plant or installation listed on the defense activity list for the particular critical defense housing area who is an in-migrant as defined herein and who requires and is without adequate family housing; or (2) a person engaged in a defense-supporting service activity (as defined in paragraph (k) of this section), which defense-supporting service activity appears on the defense activity list for the particular critical defense housing area and who is an in-migrant as defined herein and who requires and is without adequate family housing. However, a member of the Armed Forces otherwise eligible is an eligible defense worker notwithstanding the date when he brought or moved his family from beyond practicable commuting distance. Nothwithstanding the foregoing requirement that an eligible defense worker be an in-migrant, a person otherwise eligible who is not an in-migrant but who has since December 19, 1950, been evicted from the family dwelling unit occupied by him or his family or is in receipt of a bona fide notice to remove and surrender possession of such family dwelling unit within a period of 90 days or less, is an eligible defense worker hereunder. Such eviction or notice to surrender possession must be for reasons other than the breach of any of the conditions of tenancy by such defense worker. Exceeding a maximum income limitation in any tenancy agreement, however, shall not be deemed for this purpose a breach of a condition of the tenancy by such defense worker. An "eligible defense worker" employed or stationed in one critical defense housing area shall be deemed an "eligible defense worker" within any contiguous critical defense housing area if the area programs (referred to in section 5 of this regulation) for the respective contiguous critical defense housing areas so prescribe.

(g) *In-migrant.* An "in-migrant" is a person (1) whose residence is beyond maximum practicable commuting distance from his place of work or military station or (2) who has since December 19, 1950 (or such other date as may be announced for the critical defense housing area), brought or moved his family from beyond the maximum practicable commuting distance from his place of work.

(h) *Maximum practicable commuting distance.* "Maximum practicable commuting distance" means a distance within which it is possible to commute daily to the place of employment by established common carrier or by private transportation at a cost per person of not more than $1.00 per round trip and with normal traveling time of not more than three hours per round trip, unless another cost or time shall have been announced for the critical defenmse housing area.

(i) *Sales price.* "Sales price" means the total consideration paid (including any charge made a condition to the sale) by the buyer for the dwelling accommodations with accompanying land and improvements. The only items which are excluded are those incidental charges, such as closing costs and brokerage fees or commissions or charges, which buyers of such dwelling accommodations customarily assume in the community where such accommodations are located, and which actually have been incurred for services rendered at the buyer's or seller's request in connection with the sale.

(j) *Public offer.* To "publicly offer" dwellings for rent or sale means that the owner will (1) for the period of offer required by this regulation take such affirmative steps as are customary in the community for making a public offering of family dwellings which will give reasonable notice to eligible defense workers, including members of the Armed Forces, that such dwellings are available for rent or sale, and (2) during construction and until the dwelling units are initially occupied or sold (or, where 4 or more units are involved, until at least 75 percent of the units are initially occupied or sold), maintain in a conspicuous location at the site a sign not less than 2½ feet by 4 feet specifying in words legible at a reasonable distance, the rents or range or rents, or the sales price or range of sales prices, as the case may be, and containing the following language:

Privately Built
Defense Housing
HHFA No. ———

(k) *Defense-supporting service activity.* A defense-supporting service activity as used in this regulation, means any activity (other than activities of defense plants or installations referred to in numbered subparagraph (1) of paragraph (f) of this section) which is directly or indirectly concerned with the activities of defense plants or installations appearing on the defense activity list and which is essential to the efficient operation of such listed defense plants or installations. Defense-supporting service activities may include such activities as police and fire protection, health and educational activities, and the furnishing of transportation and communication services and other public utility services, including installation, operation, and maintenance necessary for such services.

HOUSING TO BE HELD FOR RENT

SEC. 8. *Who may apply for construction of programmed rental housing.* With respect to defense housing programmed by the Housing and Home Finance Administrator for rental occupancy in Territories and possessions of the United States an application for approval of such housing under this regulation may be made only by a person (including a corporation, partnership, trust, or other legal entity) who is the owner of, or otherwise has effective control over, the land on which there is proposed to be erected a new family dwelling or dwellings which will be held for rental to eligible occupants as prescribed below. Effective control over the land, for the purposes of this section, includes control through ownership, a firm contract to purchase, a written option to purchase which may be exercised at the will of the applicant, or a long-term lease for a term of not less than 50 years.

SEC. 9. *Where and how builders should apply.* Application under this regulation to construct housing to be held for rent should be made to the appropriate local office of the Federal Housing Administration on HHFA Form No. H-2052. (Local offices of the Federal Housing Administration, which is a constituent agency of the Housing and Home Finance Agency, will receive and process such applications on behalf of the Housing and Home Finance Administrator whether the housing in question is to be financed with the aid of a mortgage loan insured by the Federal Housing Administration or guaranteed by the Veterans' Administration.) An original and three signed copies of the application form must be submitted for each application. Each application must contain a statement that the applicant has a commitment or other assurance in writing from a lending institution or other lender that such lender intends, if the application is approved, to provide the financing for the residential property, including the proposed improvements, described in the

application. If the application is approved, two copies of the application form will be returned to the applicant endorsed to indicate such approval. One of these copies must be submitted to the lending institution or other lender making the loan. Such lender need not be the lending institution or proposed lender referred to in the application. The applicant will also be notified if the application is rejected. Unless otherwise specifically approved in writing by the local office of the FHA, the approved application (HHFA Form No. H–2052) is not transferable or assignable.

SEC. 10. *Standards for approving applications.* As among applications otherwise eligible for approval under the terms of this regulation, applications made under sections 8 through 12 of this regulation will be approved for dwelling units within a total number consistent with area programs adopted from time to time by the Housing and Home Finance Administrator pursuant to the surveys referred to in section 5 of this regulation. Applications will be approved on the basis of achieving a maximum contribution toward filling the needs for rental housing of eligible defense workers and military personnel in the designated areas which the proposed housing is intended to serve. For this purpose the local office of the Federal Housing Administration may consider, in approving applications, any or all of the following factors and circumstances:

(a) The proximity of the site of the proposed housing to the defense plants and installations on the defense activity list, and the desirability of the site with respect to transportation, commercial and community facilities and services, utilities, street improvements and similar relevant factors;

(b) The rentals proposed to be charged, the size of units in terms of the number of rooms and bedrooms proposed to be provided, and the relationship between the accommodations proposed and the proposed rentals;

(c) The capacity of the applicant to perform the undertaking for which he applies; and

(d) The order in which applications are filed.

SEC. 11. *Rules and conditions applicable.* (a) In the event that an application under this regulation is approved pursuant to sections 8 through 12 of this regulation, the applicant is hereby required to notify the appropriate local office of the Federal Housing Administration in writing when the construction of the dwelling units described in the application is begun and when such dwelling units are completed. In such event, the applicant is also hereby required for a period of two years after their completion in the case of structures containing one or two family dwelling units and a period of four years after their completion in the case of structures containing three or more family dwelling units, (unless the applicable period is sooner terminated by the Housing and Home Finance Administrator) to:

(1) Publicly offer any such dwelling unit for rent, for a period of at least thirty calendar days after the dwelling unit described in the application has been completed and for a period of at least thirty calendar days after such unit subsequently becomes vacant, to eligible defense workers unless the unit is sooner rented to such a worker;

(2) Require, upon the renting of any such dwelling unit to an eligible defense worker, that such worker fill out in duplicate and submit to the applicant an occupancy eligibility certificate on HHFA Form No. H–2054 (which shall be further executed by the applicant, as indicated therein, who shall forward one copy to the local office of FHA and retain one copy);

(3) Fill out in duplicate a landlord's certificate on HHFA Form No. H–2056 in case such dwelling unit has been publicly offered in good faith for rent to eligible defense workers, as required by subparagraph (1) of this paragraph, but subsequently rented to a person other than an eligible defense worker (one copy of such certificate shall be forwarded to the local office of FHA and one copy shall be retained by the applicant or any subsequent owner making such certificate);

(4) Charge not more than the rent or rents and utility and service charges specified in the approved application or not more than such higher rents and utility and service charges as the local office of the Federal Housing Administration shall have approved on the basis of hardship to the applicant or subsequent owner;

(5) Hold the dwelling unit or units for rent unless (i) the property is being sold to a purchaser for investment purposes rather than for his own occupancy, or (ii) prior permission to sell is granted in writing by the Housing and Home Finance Agency, or (iii) a period of at least sixty calendar days has elapsed after the dwelling unit or units described in the application has been completed or after the unit has subsequently become vacant, and the public offer of such unit for rent at the approved rental during said sixty days has not produced a tenant;

(6) Comply with any agreements or conditions made a part of the application HHFA Form No. H–2052, as approved; and

(7) Require that the purchaser, if the property is sold pursuant to subdivision (i) of subparagraph (5) of this paragraph, agree in writing to abide by all the provisions and conditions set forth in this regulation, including this paragraph, which shall be applicable to all successive sales pursuant to said subdivision (i) of subparagraph (5) of this paragraph, made within the period referred to above during which this paragraph is applicable by the first and all successive purchasers for investment purposes.

(b) No purchaser of property for investment purposes (pursuant to paragraph (a) (5) (i) of this section) shall occupy a dwelling unit in such property unless it contains two or more family dwelling units and such purchaser is himself eligible for occupancy of a dwelling pursuant to section 12 of this regulation or unless such occupancy is pursuant to paragraph (c) of this section.

(c) Notwithstanding any provision of this section, if a parcel of real property contains five or more family dwelling units required to be held for rent under sections 8 through 12 of this regulation, the owner of said parcel, or a person actually employed as a resident manager or janitor of said dwelling units, may occupy one of such units. Two such units may be occupied by such owners, resident managers, or janitors if the property required to be held for rent pursuant to said sections contains not less than 20 family dwelling units, and an additional unit may be so occupied for every additional 30 family dwelling units above 20.

(d) Sales in the course of judicial or statutory proceedings are not subject to the provisions of this section.

(e) Written notifications required by this section to be given to the Federal Housing Administration shall be deemed to be given as of the date they are received by the FHA or, if mailed, as of the date they are postmarked.

(f) All requirements, conditions and restrictions with respect to holding for rent, rental charges and utility charges imposed by or pursuant to this regulation are in addition to any applicable requirements, conditions and restrictions which may, under certain circumstances, be imposed with respect to the same housing by or pursuant to the Housing and Rent Act of 1947, as amended, or the National Housing Act, as amended. (Note that rental ceilings approved under this regulation are based primarily on market surveys of needs of eligible defense workers for housing classified by number of rooms and approximate rental rather than on detailed plan and specifications of the housing to be constructed. Rental limitations which may be imposed under certain circumstances by the Office of Rent Stabilization or the Federal Housing Administration are based primarily on the actual accommodations provided or to be provided. Therefore rental limitations imposed under this regulation may, in individual cases, be higher or lower than rental limitations imposed under other legal authority. In such event, persons affected by more than one rental limitation or requirement governing the same dwelling unit must comply with whichever one is more restrictive.)

SEC. 12. *Eligibility for tenancy.* Except as otherwise provided in section 11 of this regulation, during the period in which a dwelling unit is required to be held for rent under sections 8 through 12 of this regulation, no person other than an "eligible defense worker", as defined in paragraph (f) of section 7 of this regulation, or his family shall be eligible for tenancy or occupancy of such dwelling unit.

SALES HOUSING AND OTHER HOUSING TO BE BUILT FOR OWNER-OCCUPANCY

SEC. 13. *Who may apply for construction of programmed sales housing.* With respect to housing in a critical de-

fense housing area listed in the appendix to this regulation which may be programmed by the Housing and Home Finance Administrator for sale to, or construction by, prospective owner-occupants, application for approval under this regulation may be made only by (a) an "eligible defense worker" (as defined in paragraph (f) of section 7 of this regulation) who is the owner of, or otherwise has effective control over, the land on which he proposes to erect a new family dwelling for his own occupancy or (b) a person (including a corporation, partnership, trust, or other legal entity) who is the owner of, or otherwise has effective control over, the land on which he proposes to erect a new family dwelling or dwellings for sale to eligible defense workers. Effective control over the land, for the purposes of this section, includes control through ownership, a firm contract to purchase, a written option to purchase which may be exercised at the will of the applicant, or a long-term lease for a term of not less than 50 years.

SEC. 14. *Where and how applications should be made.* Application under this regulation by a builder desiring special financing aid for a single-family dwelling or single-family dwellings to be erected for sale to eligible defense workers should be made to the appropriate local office of the Federal Housing Administration on HHFA Form No. H–2053. Application under this regulation by an "eligible defense worker" desiring such special aid with respect to a single-family dwelling to be erected and occupied by the applicant should be made to the appropriate local office of the Federal Housing Administration on HHFA Form No. H–2053–A. Procedures for the submission, processing and subsequent disposition of such applications will be the same as those set forth in section 9 of this regulation with respect to housing to be held for rent. Unless otherwise specifically approved in writing by the local office of the FHA, the approved application (either HHFA Form No. H–2053 or H–2053–A, as the case may be) is not transferable or assignable.

SEC. 15. *Standards for approving applications.* As among applications otherwise eligible for approval under the terms of this regulation, applications made under sections 13 through 17 of this regulation will be approved for dwelling units within a total number consistent with area programs adopted from time to time by the Housing and Home Finance Administrator pursuant to the surveys referred to in section 5 of this regulation. Applications will be approved on the basis of achieving a maximum contribution toward filling the needs for sales-type housing of eligible defense workers and military personnel in the designated areas which the proposed housing is intended to serve. For this purpose the local office of the Federal Housing Administration may consider, in approving applications, any or all of the following factors and circumstances:

(a) The proximity of the site of the proposed housing to the defense plants and installations on the defense activity list, and the desirability of the site with respect to transportation, commercial and community facilities and services, utilities, street improvements and similar relevant factors;

(b) The sales prices proposed to be charged, the size of units in terms of the number of rooms and bedrooms proposed to be provided, and the relationship between the proposed type of construction and special features and the proposed sales prices;

(c) The capacity of the applicant to perform the undertaking for which he applies; and

(d) The order in which applications are filed.

SEC. 16. *Rules and conditions applicable*—(a) *Sales housing.* In any case where an application under this regulation is approved pursuant to sections 13 through 17, with respect to the erection of a dwelling or dwellings for sale, the applicant is hereby required to notify the appropriate local office of the Federal Housing Administration in writing when the construction of the dwellings described in the application is begun and when such dwellings are completed, and to:

(1) Publicly offer each dwelling for sale, for a period of at least sixty calendar days after the dwelling described in the application has been completed, to eligible defense workers unless the dwelling is sooner purchased by such a worker;

(2) Require, upon the sale of any such dwelling to an eligible defense worker, that such worker fill out in duplicate and submit to the applicant an occupancy eligibility certificate on HHFA Form No. H–2054 (which shall be further executed by the applicant, as indicated therein, who shall forward one copy to the local office of FHA and retain one copy);

(3) Fill out in duplicate a seller's certificate on HHFA Form No. H–2057 in case any such dwelling has been publicly offered in good faith for sale to eligible defense workers, as required by subparagraph (1) of this paragraph, but subsequently sold to a person other than an eligible defense worker (one copy of such certificate shall be forwarded to the local office of FHA and one copy retained by the applicant);

(4) Charge not more than the sales price or prices specified in the approved application for such dwelling or dwellings or such higher price or prices as the local office of the Federal Housing Administration shall have approved on the basis of hardship to the applicant;

(5) Comply with any agreements or conditions made a part of the application, HHFA Form No. H–2053, as approved; and

(6) Require the purchaser to agree in writing that, if such purchaser or his family does not reside in the completed dwelling for a period of at least ninety days and he proposes to sell such dwelling (whether prior to or after completion), (i) he will give advance notification in writing to the local office of the FHA that he proposes to sell such dwelling and (ii) he will abide by all the provisions and conditions set forth in this regulation (including this subparagraph) which shall be applicable to all successive sales of said dwelling until it has been occupied for ninety consecutive days after completion by any purchaser or his family. For the purpose of this subparagraph references elsewhere in the regulation to an "applicant" shall be deemed to include subsequent owners and reference to a sixty-day period of public offer after completion of a dwelling shall be deemed to include any subsequent sixty-day period of public offer.

(b) *Other housing to be built for owner-occupancy.* In any case where an application under this regulation is approved pursuant to sections 13 through 17 with respect to a single-family dwelling to be erected and occupied by an "eligible defense worker", the applicant is hereby required to notify the appropriate local office of the Federal Housing Administration in writing when the construction of the dwelling is begun and when it is completed and to comply with any agreements or conditions made a part of the application, HHFA Form No. H–2053–A, as approved. If the "eligible defense worker" or his family does not reside in the completed dwelling for a period of at least ninety days and he proposes to sell such dwelling (whether prior to or after completion), he is hereby further required to give advance notification in writing to such local office of the FHA that he proposes to sell such dwelling, to certify to such office in writing the actual cost of the dwelling, and thereafter to comply with all requirements of paragraph (a) of this section except that for the purposes of this paragraph the reference in paragraph (a) (5) of this section to HHFA Form No. H–2053 shall be deemed to be a reference to HHFA Form No. H–2053–A and the reference in paragraph (a) (4) of this section to the sales price specified in the approved application shall be deemed to be a reference to the actual cost of the dwelling. If the "eligible defense worker" or his family does not reside in the completed dwelling for a period of at least ninety days and he proposes to rent such dwelling, he is hereby further required to give advance notification in writing to such local office of the FHA that he proposes to rent such dwelling, and thereafter, for a period of two years after such notification or after the completion of the dwelling, whichever is later, to publicly offer such dwelling for rent, for a period of at least thirty calendar days after its completion and for a period of at least thirty calendar days after it subsequently becomes vacant, to eligible defense workers (and only to eligible defense workers) unless the dwelling is sooner rented to such a worker.

(c) Sales in the course of judicial or statutory proceedings are not subject to the provisions of this section.

(d) Written notifications required by this section to be given to the FHA shall be deemed to be given as of the date they are received by the Federal Housing Administration or, if mailed, as of the date they are postmarked.

SEC. 17. *Eligibility for purchase.* Except as otherwise provided in section 16 of this regulation, no person other than

an "eligible defense worker" as defined in paragraph (f) of section 7 of this regulation shall be eligible for purchase of a dwelling for which an approval has been granted under the provisions of sections 13 through 17 of this regulation.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This regulation is effective as of the 5th day of August 1952.

RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

APPENDIX TO CR 5

CRITICAL DEFENSE HOUSING AREAS

Area, Including Geographical Description and Date Designated

1. Island of Oahu, Territory of Hawaii, August 5, 1952.
2. Ramey Air Force Base, Aguadilla, Puerto Rico, Area (the municipalities of Aguadilla and Isabela in the northwest corner of the Island of Puerto Rico), August 5, 1952.

[F. R. Doc. 52-8519; Filed, Aug. 4, 1952; 8:50 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS CLAIMS

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

MISCELLANEOUS AMENDMENTS

1. In § 3.228 of Part 3, the headnote and paragraphs (a), (c) (5) and (6), (d) (1) and (2), (i), and (j) are amended and paragraph (d) (3) is added as follows:

§ 3.228 *Computation of annual income for the purposes of Part III, Veterans Regulation 1 (a) (38 U. S. C. ch. 12), or section 1 (c) of Public No. 198, 76th Congress (act of July 19, 1939), as amended by section 11, Public Law 144, 78th Congress and Public Law 357, 82d Congress*—(a) *Application of annual income limitation*—(1) *Annual income limitation.* For periods prior to July 1, 1952, pension shall not be payable to any veteran without a wife or child, or to a widow without a child, or to a child, whose annual income exceeds $1,000, or to a married veteran, or to a veteran with a child or children, or to a widow with a child or children whose annual income exceeds $2,500. For periods on and after July 1, 1952, the increased annual income limitations of $1,400 and $2,700, respectively, shall be applicable. Where the claimant's income for the calendar year 1952 exceeds $1,000 (or $2,500) but is not in excess of $1,400 (or $2,700), pension shall not be payable for any period prior to July 1, 1952.

(2) *Basic rule.* Annual income will be computed on the basis of the total income for the entire calendar year. Where the equities indicate, however, such annual income may be computed monthly or proportionately on the basis of the rate of income. Under any method of calculation, the question is whether the actual income exceeds the statutory income limitation.

* * * * *

(c) *Income included in computation.* * * *

(5) Compensation paid by the Bureau of Employees Compensation, Department of Labor (of the United States), or pursuant to any workmen's compensation or employer's liability statute, or damages collected because of personal injury or death, less medical, legal, or other expenses incident to the injury or death or the collection or recovery of such moneys.

(6) Civil Service retirement benefits, Federal Old Age and Survivor's Insurance, railroad retirement benefits, or retirement benefits paid under a State, municipal, or private business or industrial plan: *Provided,* That where the benefit is received by a former worker based on his own employment, no part of such payments will be considered "annual income" until the full amount of his personal contribution (as distinguished from amounts contributed by the employer and not by the worker) has been received by him: *And provided further,* That such benefits received by a widow on the basis of her husband's employment will be considered as annual income as received. This subparagraph contemplates that the entire amount of the worker's annuity following retirement will be applied each year to amortize the cost of such annuity, after which the entire annuity will be considered as income.

* * * * *

(d) *Proportionate computations.* Income will be computed on a proportionate basis where:

(1) The income of the claimant exceeds the statutory limitation.

* * * * *

(2) The income of the veteran or widow exceeds the statutory limitation applicable to a person without dependents but is not in excess of the statutory limitation applicable to a person with dependents.

* * * * *

(3) Where income for the calendar year 1952 exceeds $1,000 (or $2,500, whichever is applicable), income will be computed proportionately from the date of change in status, as described in subparagraphs (1) and (2) of this paragraph, on the basis of the $1,000 (or $2,500) limitation for periods prior to July 1, 1952, and on the basis of the $1,400 (or $2,700) limitation for periods on or after July 1, 1952.

* * * * *

(i) *Reduction of income.* Where, because the claimant's annual income is in excess of the statutory limitation, a claim has been disallowed or payments discontinued for a particular calendar year or part thereof, pension may be payable from the first of the immediately succeeding calendar year if notice (constituting an informal claim) is received during that year that the claimant's actual or anticipated income will not exceed the statutory limitation and the necessary evidence is furnished within 1 year after the date of request. Otherwise, pension may not be paid for any period prior to the date of receipt of a new claim (formal or informal).

(j) *Failure to return annual income questionnaire.* See § 3.229 (b) (2).

* * * * *

(Sec. 1, 48 Stat. 1281, as amended, Part III, Vet. Reg. 1 (a), as amended, Pub. Law 357, 82d Cong.; 38 U. S. C. 503, ch. 12 note)

2. New §§ 3.229 and 3.230 are added as follows:

§ 3.229 *Annual income questionnaires*—(a) *Dispatch of questionnaire.* Where the continuance of pension is subject to the limitation on annual income as provided in Part III, Veterans Regulation 1 (a) (38 U. S. C. ch. 12), or section 1 (c), Public No. 198, 76th Congress (act of July 19, 1939), as amended by section 11, Public Law 144, 78th Congress, and as further amended by Public Law 357, 82d Congress, a questionnaire, VA Form 8-59 or VA Form 8-685, whichever is appropriate, will be sent to each payee at the beginning of each calendar year to obtain information concerning the beneficiary's anticipated annual income.

(b) *Failure to return questionnaire.* (1) A follow-up will be maintained as follows: If at the expiration of 30 days, the questionnaire has not been received, another will be forwarded; if the questionnaire has not been received at the expiration of the second 30 days, the award will be discontinued effective the date of last payment: *Provided however,* That if the payee resides outside the continental limits of the United States, the follow-up will be maintained at such period as in the light of the location of the payee, experience has demonstrated to be expedient. The payee need not be notified of the fact or reason for discontinuance. Where payments are being made to a fiduciary a copy of the second questionnaire will be forwarded to the appropriate chief attorney.

(2) When payments have been discontinued because of failure to return the annual income questionnaire, pension may be payable, if otherwise in order, from the date of last payment, provided the questionnaire or other evidence that the claimant's income is not in excess of the statutory limitation is received within 1 year from the date of issuance of the questionnaire. Otherwise, pension may not be paid for any period prior to the date of receipt of the questionnaire or a new claim (formal or informal).

(c) *Determinations of entitlement.* (1) If the completed questionnaire shows that the anticipated annual income of a beneficiary is not in excess of the applicable statutory limitation, payments will be continued.

(2) (i) If it is shown that the anticipated annual income of the payee is in excess of the statutory limitation, the award will be discontinued effective the date of last payment. (See § 4.86 (g) of this chapter.)

(ii) Payments otherwise proper will be resumed effective the day following the date of last payment, if it is determined after the close of the calendar year that the actual income did not exceed the statutory limitation, and an application for resumption of payments

is received in the Veterans' Administration not later than the end of the succeeding calendar year; if the income for the year in which discontinuance of payments became effective actually exceeds the statutory limitation, pension will be payable from the first of the immediately succeeding calendar year if notice is received in the Veterans' Administration within that year that the income anticipated will not exceed the statutory limitation. The payee will be notified of the provisions of this section.

(Sec. 1, 48 Stat. 1281, as amended, Part III, Vet. Reg. 1 (a), as amended, Pub. Law 357, 82d Cong.; 38 U. S. C. 503, ch. 12 note)

§ 3.230 *Readjustment of awards of death pension where annual income is a factor.* (a) When an award of death pension to a widow with a child or children has been discontinued for the reason that her annual income is in excess of the statutory limitation, payments to the child or children whose annual income, determined separately, does not exceed the statutory limitation will commence effective the day following the date of last payment to the widow.

(b) When payments are being made to a child or children and evidence is received showing that the annual income of the widow, which was in excess of the statutory limitation, has been reduced to an amount not in excess of the statutory limitation, payments to the child or children will be discontinued effective date of last payment. For the period commencing the date from which the widow is shown to be entitled to the date of last payment to the child or children, the rate for the widow will be the difference between the amount paid to the child or children and the amount which would have been payable for the widow and child or children. The full rate will be payable thereafter.

(Sec. 1, 48 Stat. 1281, as amended, Part III, Vet. Reg. 1 (a), as amended, Pub. Law 357, 82d Cong.; 38 U. S. C. 503, ch. 12 note)

3. Section 3.292 is revoked.

§ 3.292 *Award action upon failure to return questionnaire as to income under Part III, Veterans Regulation 1 (a) (38 U. S. C. ch. 12).* [Revoked.]

4. In Part 4, § 4.34 (b) is amended to read as follows:

§ 4.34 *Death of veteran not due to service; Public No. 2, 73d Congress, paragraph III, Part III, Veterans Regulation 1 (a) (38 U. S. C. ch. 12).* * * *

(b) For periods prior to July 1, 1952, pension shall not be paid to any unmarried person whose annual income exceeds $1,000, or to any widow with minor children whose annual income exceeds $2,500 (paragraph II (a), Part III, Veterans Regulation 1 (a)); for periods on and after July 1, 1952, the increased annual income limitations of $1,400 and $2,700, respectively, shall be applicable (Public Law 357, 82d Congress). (See also, § 3.228 of this chapter.)

* * * * *

(Sec. 1, 48 Stat. 8, Pars. I, II, (a), III, Part III, Vet. Reg. 1 (a), as amended, sec. 5, Pub. Law 108, 82d Cong., Pub. Law 357, 82d Cong.; 38 U. S. C. 701, ch. 12 note)

5. In § 4.48, paragraph (b) is amended to read as follows:

§ 4.48 *Death of World War I veteran from disease or injury not the result of military service (Public No. 484, 73d Congress, act of June 28, 1934, as amended).* * * *

(b) *Income limitation; for periods on and after July 19, 1939.* For periods on and after July 19, 1939, and prior to July 1, 1952, no payment of pension shall be made under the provisions of Public No. 484, 73d Congress, as amended, to any widow without a child, or any child, whose annual income exceeds $1,000, or to a widow with a child or children whose annual income exceeds $2,500; for periods on and after July 1, 1952, the increased annual income limitations of $1,400 and $2,700, respectively, shall be applicable (Public Law 357, 82d Congress): *Provided*, That on and after July 13, 1943, where payments to a widow are disallowed or discontinued by reason of annual income, payment to a child or children of the deceased veteran may be made as though there is no widow. The provisions of § 3.228 of this chapter will govern determinations under this paragraph, but in no event will any payments by the United States Government because of disability or death under laws administered by the Veterans Administration be considered (sec. 11, Public Law 144, 78th Congress).

* * * * *

(Sec. 1, 48 Stat. 1281, as amended, Pub. Law 357, 82d Cong.; 38 U. S. C. 503)

6. In § 4.51, paragraph (d) (1) is amended to read as follows:

§ 4.51 *Concurrent payment of two benefits to the same person.* * * *

(d) *Employees compensation.* (1) Where a person is entitled to compensation from the Bureau of Employees' Compensation based upon death due to service in the Armed Forces and is also entitled based upon the same death to compensation or pension under the laws administered by the Veterans' Administration, he shall elect which benefit he shall receive. Compensation or pension may not be paid in such instances by the Veterans' Administration concurrently with compensation from the Bureau of Employees' Compensation. Election by a widow controls the rights of any of the veteran's children regardless of whether they are in the widow's custody and regardless of the fact that such children may not be eligible to receive benefits under the laws administered by the Bureau of Employees' Compensation, Department of Labor. The provisions of this paragraph are not applicable where the benefit paid by the Bureau of Employees' Compensation is for death resulting from civilian employment; however, where the death cause, held by the Bureau of Employees' Compensation to have been incurred in civilian employment, is also the basis of an award of death compensation by the Veterans' Administration predicated on death due to military service, the Bureau of Employees' Compensation will be notified of the award of death compensation and they will discontinue payment of their benefit, as they hold the two findings to be incompatible.

* * * * *

7. In § 4.76, a new paragraph (d) is added as follows:

§ 4.76 *Public No. 484, 73d Congress, as amended, non-service-connected death.* * * *

(d) *Public Law 357, 82d Congress.* Pension payable solely by reason of the increase in annual income limitations contained in Public Law 357, 82d Congress, shall commence the day following the date of death of the veteran or July 1, 1952, whichever is the later, if application is filed within 1 year after the date of death, otherwise the date of filing application, but in no event prior to July 1, 1952. A claim pending on May 23, 1952, the date of enactment of the act, shall be considered a claim under this act.

(Sec. 6, 50 Stat. 661, sec. 1, 48 Stat. 1281, as amended, sec. 3, 52 Stat. 353, as amended, sec. 5, 48 Stat. 1282, sec. 4, 58 Stat. 230, as amended, Pub. Laws 28 and 357, 82d Cong.; 38 U. S. C. 472d, 503, 505a, 507, 507b, 735)

8. In § 4.86, paragraphs (g) and (j) are amended and a new paragraph (k) is added as follows:

§ 4.86 *Public No. 2, 73d Congress (act of March 20, 1933), as amended; sections 28 and 31, Title III, Public No. 141, 73d Congress (act of March 28, 1934), as amended; Public No. 484, 73d Congress (act of June 28, 1934), as amended; and Public Law 301, 79th Congress (act of February 18, 1946).* Where death pension or compensation has been awarded under the provisions of Public No. 2, 73d Congress, or section 28 or 31, title III, Public No. 141, 73d Congress, or Public No. 484, 73d Congress, as amended, the effective date of reduction or discontinuance of such death pension or compensation shall be in accordance with the facts found, except that:

* * * * *

(g) *Income limitations under Part III, Veterans Regulation 1 (a) (38 U. S. C. ch. 12), and Public No. 484, 73d Congress (act of June 28, 1934), as amended.* Whenever the annual income of any person in receipt of death pension under Part III, Veterans Regulation 1 (a), or Public No. 484, 73d Congress, as amended, exceeds the statutory limitation (for a widow without a child, or a child, $1,000 for periods prior to July 1, 1952, and $1,400 for periods on and after July 1, 1952, and for a widow with a child or children, $2,500 for periods prior to July 1, 1952, and $2,700 for periods on and after July 1, 1952), the award of pension shall be discontinued from the date of last payment. See § 3.229 of this chapter.

* * * * *

(j) *Commonwealth Army of the Philippines.* (1) In those cases in which an award was approved prior to February 18, 1946, predicated upon service in the organized military forces of the Government of the Commonwealth of the Philippines while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President of the United

States dated July 26, 1941, awards of death benefits predicated upon non-service-connected death shall be discontinued effective February 17, 1946, and awards of death benefits predicated upon service-connected death at a dollar rate shall be reduced to authorize payment effective February 18, 1946, at the rate of one Philippine peso for each United States dollar authorized under the law (Pub. Law 301, 79th Cong.).

(2) In those cases in which, subsequent to approval of an award of death compensation, recognition of alleged service is withdrawn, payments will be discontinued effective date of last payment.

(k) *Election to receive Bureau of Employees' Compensation benefits.* Payment of death compensation or pension to any payee under any law administered by the Veterans' Administration shall be discontinued effective date of last payment upon receipt from the Bureau of Employees' Compensation, Department of Labor, of copy of an election showing that such payee has elected to receive benefits from that agency based upon service in the Armed Forces, in lieu of death compensation or pension from the Veterans' Administration: *Provided*, That where payments of death compensation or pension to a widow are discontinued because of her election to receive benefits from the Bureau of Employees' Compensation, Department of Labor, payments to any child or children of the veteran, regardless of whether they are in the widow's custody, will be discontinued effective date of last payment.

9. In § 4.88, paragraph (d) is amended and a new paragraph (f) is added as follows:

§ 4.88 *Recommencement of death pension or compensation.* Death pension or compensation previously discontinued will be recommenced as follows:

* * * * *

(d) *Recommencement after discontinuance because of failure to file annual income questionnaire.* See § 3.229 of this chapter.

* * * * *

(f) *Recommencement after discontinuance because payee had elected Bureau of Employees' Compensation benefits.* Where payments on an award of death compensation or pension have been discontinued under § 4.86 (k) because of the receipt from the Bureau of Employees' Compensation, Department of Labor, of a copy of an election to receive benefits from that agency, and there is subsequently received from that agency a statement that the election is not considered valid, the effective date of recommencement of death compensation or pension shall be the day following the date of last payment: *Provided*, That payments shall be recommended only upon receipt of a subsequent election to receive Veterans' Administration death compensation or pension: *Provided further*, That the award of Veterans' Administration death compensation or pension shall be subject to any payments made by the Bureau of Employees' Compensation to that payee based on service in the Armed Forces. The provisions of this paragraph are not applicable to an attempted revocation of a valid election. (See Veterans' Administration claims procedures.)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective August 5, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-8529; Filed, Aug. 4, 1952; 8:53 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

[Amdt. 1]

PART 99—STOCK PILING OF STRATEGIC AND CRITICAL MATERIALS

PURCHASE PROGRAM FOR DOMESTIC CHROME ORE AND CONCENTRATES AT GRANTS PASS, OREGON

DELIVERIES

The above captioned regulation[1] is hereby amended by deleting the last sentence of § 99.105, Deliveries, and substituting therefor the following: "No deliveries in excess of five thousand (5,000) tons per year from any one source will be accepted under this Purchase Program."[2]

This Amendment 1 shall be effective as of April 23, 1952.

(Sec. 205, 63 Stat. 389, as amended, 40 U. S. C. 486. Interpret or apply sec. 3, 60 Stat. 597, 50 U. S. C. 98b)

Dated: July 31, 1952.

JESS LARSON,
Administrator.

[F. R. Doc. 52-8592; Filed, Aug. 4, 1952; 9:09 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 859]

NEW MEXICO

WITHDRAWING PUBLIC LAND FOR THE USE OF THE DEPARTMENT OF THE AIR FORCE FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public land in New Mexico is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Air Force for military purposes:

NEW MEXICO PRINCIPAL MERIDIAN

T. 21 S., R. 27 E.,
Sec. 33, SW¼NE¼, that portion lying south of the right-of-way of the Atchison, Topeka and Santa Fe Railroad, and east of the right-of-way of the county road.

The area described contains 31.5 acres.

This order shall take precedence over but not otherwise affect the order of April 8, 1935, of the Secretary of the Interior establishing New Mexico Grazing District No. 6, so far as such order affects the above-described land.

It is intended that the land described shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

R. D. SEARLES,
Acting Secretary of the Interior.

JULY 29, 1952.

[F. R. Doc. 52-8499; Filed, Aug. 4, 1952; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[S. O. 884, Amdt. 4]

PART 95—CAR SERVICE

MOVEMENT OF IRON ORE RESTRICTED; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 30th day of July A. D. 1952.

Upon further consideration of Service Order No. 884 (17 F. R. 5193, 5466, 5953, 6559), and good cause appearing therefor: It is ordered, that:

Section 95.884 *Movement of iron ore restricted; appointment of agent*, of Service Order No. 884 be, and it is hereby further amended by substituting the following paragraph (i) for paragraph (i) thereof:

(i) *Expiration date.* This section shall expire at 7:00 a. m., August 11, 1952, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., July 31, 1952.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

[1] 16 F. R. 8680.

[2] The Defense Materials Procurement Agency, Washington 25, D. C., will consider negotiation of purchase or development contracts with producers capable of producing chrome ore or concentrates in excess of five thousand (5,000) tons per year from any one source.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8495; Filed, Aug. 4, 1952; 8:46 a. m.]

[S. O. 885, Amdt. 4]

PART 95—CAR SERVICE

MOVEMENT OF IMPORT ORES RESTRICTED; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 30th day of July A. D. 1952.

Upon further consideration of Service Order No. 885 (17 F. R. 5194, 5466, 5954, 6559), and good cause appearing therefor: It is ordered, that:

Section 95.885 *Movement of import ores restricted; appointment of agent,* of Service Order No. 885 be, and it is hereby further amended by substituting the following paragraph (i) for paragraph (i) thereof:

(i) *Expiration date.* This section shall expire at 7:00 a. m., August 11, 1952, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., July 31, 1952.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8496; Filed, Aug. 4, 1952; 8:46 a. m.]

Subchapter B—Carriers by Motor Vehicle

[Ex Parte MC-39]

PART 167—BROKERS OF PROPERTY

PRACTICES OF PROPERTY BROKERS; POSTPONEMENT OF EFFECTIVE DATE

Upon further consideration of the record in the above-entitled proceedings; and good cause appearing therefor:

It is ordered, That the effective date, as subsequently modified, of the order of December 27, 1951, and the prior order of May 16, 1949, as modified by the former order be, and it is hereby, further postponed from July 30, 1952, to September 2, 1952.

Dated at Washington, D. C., this 30th day of July A. D. 1952.

(49 Stat. 546, as amended; 49 U. S. C. 304)

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8525; Filed, Aug. 4, 1952; 8:52 a. m.]

[Ex Parte MC-40]

PART 193—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

QUALIFICATIONS AND MAXIMUM HOURS OF SERVICE OF EMPLOYEES OF MOTOR CARRIERS AND SAFETY OF OPERATION AND EQUIPMENT; FUEL CONTAINER LOCATION

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 30th day of July A. D., 1952.

The matter of parts and accessories necessary for safe operation under the motor carrier safety regulations prescribed by order dated April 14, 1952, and effective July 1, 1952, being under consideration; and

It appearing, that further investigation has established facts which warrant the modification of § 193.65 (a) of said regulation involving the location of fuel containers; and good cause appearing therefor: *It is ordered,* That § 193.65 (a) be amended to read as follows:

(a) *Fuel container location.* No part of any fuel tank or container or intake pipe shall project beyond the overall width of any motor vehicle upon which it is mounted. No part of any fuel tank shall be located forward of the front axle of the power unit upon which it is located, except that this requirement shall not apply to trucks manufactured prior to January 1, 1953, which have a total fuel capacity of less than 20 gallons, nor shall fuel be supplied to the engine of a bus, truck, or truck-tractor from a fuel tank or container located on a semitrailer or full trailer.

It is further ordered, That this order shall be effective on the date hereof and shall continue in effect until the further order of the Commission.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy thereof with the Director, Division of the Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304)

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8527; Filed, Aug. 4, 1952; 8:52 a. m.]

[Ex Parte MC-40]

PART 193—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

QUALIFICATIONS AND MAXIMUM HOURS OF SERVICE OF EMPLOYEES OF MOTOR CARRIERS AND SAFETY OF OPERATION AND EQUIPMENT; TIRES

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 30th day of July A. D. 1952.

The matter of parts and accessories necessary for safe operation under the motor carrier safety regulations prescribed by order dated April 14, 1952, effective July 1, 1952, but with § 193.75 thereof, in part, postponed by order of July 1, 1952 until August 1, 1952, being under consideration; and

Upon consideration of the record in the above-entitled proceeding, and of petition of National Automobile Transporters Association, for postponement of the effective date, reconsideration, modification and revision and further hearing of § 193.75, dated June 26, 1952; and good cause appearing therefor: *It is ordered,* That § 193.75 be amended to read as follows:

§ 193.75 *Tires.* (a) Every motor vehicle shall be equipped with tires of adequate capacity to support its gross weight. The tires supporting every motor vehicle intended to be operated in excess of 25 miles per hour shall be of such size that the sum of their capacity as shown by the following table shall at least equal the gross weight of such vehicle:

Tire size and ply rating:	*Capacity in pounds*
7:00 x 20—8 ply rating	2,500
7:50 x 20—8 ply rating	2,970
7:50 x 20—10 ply rating	3,375
8:25 x 20—10 ply rating	3,625
8:25 x 20—12 ply rating	3,938
9:00 x 20—10 ply rating	4,315
9:00 x 20—12 ply rating	4,813
10:00 x 20—12 ply rating	5,000
10:00 x 22—12 ply rating	5,345
10:00 x 24—12 ply rating	5,690
11:00 x 20—12 ply rating	5,625
11:00 x 22—12 ply rating	5,940
11:00 x 24—12 ply rating	6,250
12:00 x 20—14 ply rating	6,595
12:00 x 22—14 ply rating	7,000
12:00 x 24—14 ply rating	7,405

(b) For tire sizes and ply ratings not shown in the table of paragraph (a) of this section, the capacity rating in pounds shall be decided by the Commission upon request.

(c) No motor vehicle shall be operated on tires which have been worn so smooth as to expose any tread fabric or which have any other defect likely to cause failure. No bus shall be operated on any tire which does not have tread configurations on that part of the tire which is in contact with the road surface. No buses shall be operated with regrooved, recapped, or retreaded tires on the front wheels.

It is further ordered, That said petition be, and it is hereby, denied in all other respects;

It is further ordered, That this order shall be effective on the date hereof and

shall continue in effect until the further order of the Commission.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy thereof with the Director, Division of the Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304)

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8526; Filed, Aug. 4, 1952; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 946]

[Docket No. AO-123 A-15]

HANDLING OF MILK IN LOUISVILLE, KENTUCKY, MILK MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Seelbach Hotel, Louisville, Kentucky, beginning at 9:30 a. m., c. d. t., August 13, 1952, for the purpose of receiving evidence with respect to emergency, and other economic conditions which relate to the handling of milk in the Louisville, Kentucky, marketing area and to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Louisville, Kentucky, marketing area (7 CFR Part 946 et seq.). These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order, as amended, regulating the handling of milk in the Louisville, Kentucky, milk marketing area were proposed, as follows:

By the Falls Cities Cooperative Milk Producers' Association, Inc.:

1. Increase the price for Class I milk 44 cents per hundredweight, to become effective at the earliest possible date and to continue through March, 1953.

2. Consider any other changes in the pricing provisions of the order for the purpose of fixing minimum prices at a level which will reflect the economic and emergency conditions existing in the market.

By Dairy Branch, Production and Marketing Administration:

3. Make such changes as may be required to make the entire marketing agreement and order conform with any amendment thereto that may result from this hearing.

Copies of this notice of hearing and of the order now in effect may be procured from the Market Administrator, 565 Starks Building, Louisville 2, Kentucky, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: July 30, 1952.

[SEAL] F. R. BURKE, *Acting Assisting Administrator.*

[F. R. Doc. 52-8502; Filed, Aug. 4, 1952; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 10242]

FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

SHIP RADIOTELEPHONE STATIONS

In the matter of amendment of Part 2 of the Commission's rules and regulations concerning the allocation of frequencies in the bands 4115–4133 kc, 8230–8265 kc, 12340–12400 kc and 16460–16530 kc; Docket No. 10242.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951) sets forth a plan for the introduction of the frequency bands allocated for ship use under the Atlantic City Table of Frequency Allocations. In order to facilitate the introduction of the ship bands as set forth in the Geneva Agreement, the Commission proposes to amend Part 2 of its rules so that, as of June 3, 1953, frequencies in the bands 4115–4133 kc, 8230–8265 kc, 12340–12400 kc and 16460–16530 kc will be available for the use of ship radiotelephone stations only in accordance with the Atlantic City Table of Frequency Allocations.

3. The proposed amendment is issued under authority of sections 301, 303 (c) and 303 (r) of the Communications Act of 1934, as amended.

4. Any interested party who is of the opinion that the proposed rule should not be adopted or should not be adopted in the form set forth herein may file with the Commission, on or before August 22, 1952, a written statement or brief setting forth his comments. Replies to such comments may be filed within ten days from the last date for filing the original comments. The Commission will consider all comments that are received before taking final action in the matter.

5. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: July 23, 1952.

Released: July 24, 1952.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 52-8491; Filed, Aug. 4, 1952; 8:45 a. m.]

[47 CFR Part 2]

[Docket No. 10267]

FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

TABLE OF FREQUENCY ALLOCATIONS; AERONAUTICAL MOBILE (OR) SERVICE

In the matter of amendment of Part 2 of the Commission's rules and regulations concerning the allocation of certain frequency bands to the aeronautical mobile (OR) service; Docket No. 10267.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Atlantic City (1947) Table of Frequency Allocations allocates the following bands of frequencies for the use of the aeronautical mobile (OR) service:

Kc	*Kc*
3025–3155	11175–11275
4700–4750	13200–13260
5680–5730	15010–15100
6685–6767	17970–18030
8965–9040	

3. The Commission is in receipt of information which indicates that the users of the aeronautical mobile (OR) frequency assignments require the clearance of these bands at an early date in order to establish their air-ground communications on frequencies which are in accordance with the Geneva Agreement. One of the factors involved in the clearance of these bands is the necessity for discontinuing use of those non-Government fixed stations assignments which are on frequencies within the aforementioned OR bands.

4. As an initial step looking toward the clearance of the OR bands the Commission proposes to amend § 2.104 (a) of the Commission's rules and regulations to provide that, as of August 15, 1952, frequencies in the above specified OR bands will be available for use only in accordance with the Atlantic City Table of Frequency Allocations. Existing assignments in the foregoing OR bands may continue in force until such time as formal proceedings are instituted and consummated for their deletion.

5. The proposed amendment to the Rules is issued under the authority of sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended, the Final Acts of the International Telecommunication and Radio Conferences, Atlantic City (1947) and the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951).

6. Any interested person who is of the opinion that the proposed amendment

should not be adopted may file with the Commission on or before August 29, 1952 a written statement or brief setting forth his comments. Persons desiring to support the amendment may also file comments by the same date. The Commission will consider all comments and briefs presented before taking final action with respect to the proposed amendment.

7. Fifteen copies of each brief or written statement should be filed as required by § 1.764 of the Commission's rules and regulations.

Adopted: July 24, 1952.

Released: July 28, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-8492; Filed, Aug. 4, 1952; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of the Public Debt

[1952 Dept. Circ. 912]

2 PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES C–1953

OFFERING OF CERTIFICATES

AUGUST 4, 1952.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for certificates of indebtedness of the United States, designated 2 percent Treasury Certificates of Indebtedness of Series C–1953, in exchange for 1⅞ percent Treasury Certificates of Indebtedness of Series C–1952, maturing August 15, 1952, or 1⅞ percent Treasury Certificates of Indebtedness of Series D–1952, maturing September 1, 1952. Exchanges will be made par for par in the case of the certificates of indebtedness of Series C–1952, and at par with an adjustment of interest as of August 15, 1952, in the case of the certificates of indebtedness of Series D–1952.

II. *Description of certificates.* 1. The certificates will be dated August 15, 1952, and will bear interest from that date at the rate of 2 percent per annum, payable with the principal at maturity on August 15, 1953. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all taxes, now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The certificates shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment for certificates allotted hereunder must be made on or before August 15, 1952, or on later allotment. Payment of the principal amount may be made only in Treasury Certificates of Indebtedness of Series C–1952, maturing August 15, 1952, or in Treasury Certificates of Indebtedness of Series D–1952, maturing September 1, 1952, which will be accepted at par and should accompany the subscription. The full amount of interest due on the certificates of Series C–1952 surrendered will be paid to the subscriber following acceptance of the certificates. In the case of the certificates of Series D–1952, accrued interest from October 1, 1951, to August 15, 1952 ($16.34221 per $1,000) will be paid to the subscriber following acceptance of the certificates.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 52-8520; Filed, Aug. 4, 1952; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5628]

AEROVIAS INTERAMERICANAS DE PANAMA, S. A.; SERVICE FROM TOCUMEN, PANAMA, TO MIAMI, FLA.

NOTICE OF HEARING

In the matter of the application of Aerovias Interamericanas De Panama, S. A., for a foreign air carrier permit under section 402 of the Civil Aeronautics Act of 1938, as amended, authorizing it to engage in scheduled or nonscheduled foreign air transportation between the terminal point Tocumen, Panama, and the terminal point Miami, Florida, with or without intermediate traffic stops in Havana, Cuba, and/or Kingston, Jamaica, and/or Nassau, Bahamas.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on August 19, 1952, at 10:00 a. m. (e. d. s. t.), in Room E–210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Without limiting the scope of the issues presented by the applicant particular attention will be directed to the following questions:

1. Whether the proposed air transportation will be in the public interest.

2. Whether the applicant is fit, willing, and able to perform the proposed air transportation and to conform to the provisions of the act and the rules, regulations and requirements of the Board thereunder.

3. Whether the authorization of the proposed air transportation will be consistent with the obligations assumed by the United States in any treaty, convention, or agreement that may be in force between the United States and the Republic of Panama.

For further details as to the service proposed and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Notice is further given that any person, other than a party of record, desiring to be heard in this proceeding must file with the Board on or before August 19, 1952, a statement setting forth the pertinent issues of fact or law which he desires to controvert.

Dated at Washington, D. C., July 31, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-8521; Filed, Aug. 4, 1952; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1382, G-1533, G-1607]

NORTHERN NATURAL GAS CO.

ORDER DENYING MODIFICATION AND STAY OF ORDER AND GRANTING REHEARING IN PART AND DENYING IN PART AND FIXING DATE FOR REHEARING

JULY 28, 1952.

On June 30, 1952, Northern Natural Gas Company (Northern) filed a motion requesting the Commission to modify the order issued June 11, 1952, in the above-entitled proceeding, by deleting the effective date of June 11, 1952, and substituting therefor, either the date of June 12, 1952, or June 27, 1952, and to stay the effectiveness of that order pending filing and determination of Northern's application for rehearing.

On July 7, 1952, the State Corporation Commission of the State of Kansas filed an application for rehearing and on July 9, Northern filed its application for rehearing. On July 11, 1952, Interstate Power Company, intervener, filed an application for rehearing.

Northern states in support of its motion that the order was issued after 8:00 a. m., c. s. t., on June 11, 1952, whereas the "Billing Day" in the tariff prescribed by the Commission's order is "from 8:00 a. m., of one day to 8:00 a. m. of the next day." Northern asserts that the Commission has, thereby, in violation of section 5 (a), attempted to fix rates retroactively. There is no merit to this contention. The Commission's order, as a matter of law, was effective all day June 11.

Northern next states that its "Billing Month" under the tariff prescribed by the Commission is "from 8:00 a. m. of the 27th day of a calendar month to 8:00 a. m. of the 27th day of the succeeding calendar month"; and contends that complications and confusions will result from the necessity of billing at two different rates during the "Billing Month."

The Commission was not unmindful of the fact that split billing would be required for one month when it made the order effective on June 11, but the Commission found no reason then, and Northern's motion contains none, which warrants the exaction of excessive rates from Northern's customers for the 16-day period.

In its application for rehearing, Northern alleges that the Commission erred in its findings and order with regard to the IND-1 and IND-2 rate schedules, attribution under the Kansas order, the volume of sales during the test period, interest during construction, rate of return, Northern's liability for state property taxes and federal income tax, cost allocation, billing demand, BTU content of gas delivered by Northern, rate for overrun gas service, and other detailed findings with regard to the form and amount of the rate and tariff provisions. The Kansas Commission asserts that the Commission's rejection of Northern's claim for an "attribution" price and the cost allocation with regard to the Hugoton area sales are in error.

Northern also asserts that the Commission erred in making an adjustment to its working capital requirements because Northern was not advised that such matter was in issue, and was not given an opportunity to rebut the contentions on which the Commission's opinion was based. Although, as pointed out in the opinion, facts which require the adjustment are in the record, and the propriety of making such an adjustment is hardly open to question, we believe that Northern should have the opportunity of presenting such evidence as it may deem appropriate to establish that the adjustment made by the Commission is in error. Therefore, we shall grant rehearing confined to the following issue, and order that a hearing be held thereon: "Whether the reduction of working capital requirements by an amount of 75 percent of Northern's Federal income tax liability, as discussed on pages 13 and 14 of Opinion No. 228 (mimeographed) is in error."

In all other respects the Commission finds: No new facts have been presented or alleged, and no new principles of law have been set forth in the applications for rehearing of Northern, the Kansas Commission and Interstate Power Company, which either were not fully considered by the Commission before it entered its order issued June 11, 1952, or having now been considered, warrant rehearing, modification or recision of the aforesaid order. Accordingly, it is necessary and appropriate for carrying out the provisions of the Natural Gas Act that the aforesaid applications for rehearing be denied as hereinafter ordered.

The Commission orders:

(A) Northern's motion for modification and stay of the Commission order be, and the same is hereby, denied.

(B) The applications for rehearing by the State Corporation Commission of the State of Kansas and Interstate Power Company be, and the same are hereby, denied.

(C) The application for rehearing by Northern be, and the same is hereby, granted, on the single issue respecting working capital as set out above and in all other respects, denied.

(D) A public hearing be held convening on August 21, 1952, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., on the issue set out above.

Date of issuance: July 30, 1952.

By the Commission. Commissioner Wimberly concurring in part and dissenting in part.

(SEAL) LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-8513; Filed, Aug. 4, 1952; 8:48 a. m.]

[Docket No. G-1964]

TEXAS EASTERN TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING AND SPECIFYING PROCEDURE

JULY 28, 1952.

The Commission, by order issued May 29, 1952, suspended the operation of Texas Eastern Transmission Corporation's (Texas Eastern) proposed FPC Gas Tariff, first Revised Volume No. 1, and proposed First Revised Sheets 77 and 78 to its FPC Gas Tariff, Original Volume No. 2; and directed that a hearing be held at a date and place to be fixed thereafter concerning the lawfulness of the rates, charges, classifications or services, subject to the jurisdiction of the Commission, as set forth in said tariff and revised sheets.

On July 28, 1952, oral argument was had before the Commission upon the motion filed by Staff Counsel on July 7, 1952, for an order disallowing Texas Eastern's proposed increase in rates and charges for the sales of natural gas in interstate commerce for resale of $41,576,961 annually, based on estimated sales for the estimated calendar year 1953; and for an order dismissing the proceeding herein. Staff Counsel, Public Service Commission of New York, and Texas Eastern participated in the oral argument. Briefs upon the motion were filed by Staff Counsel and Texas Eastern. The motion is presently under advisement.

The Commission finds:

(1) The public hearing in this proceeding should be held at the time and place hereinafter designated.

(2) It is necessary and appropriate to carry out the provisions of the Natural Gas Act, and it is in the public interest, that the procedure hereinafter prescribed shall be followed at the hearing in order to conduct this proceeding with reasonable dispatch.

The Commission orders:

(A) A public hearing be held commencing on August 25, 1952, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the lawfulness of the rates, charges, classifications or services, subject to the jurisdiction of the Commission, as set forth in Texas Eastern's proposed FPC Gas Tariff, First Revised Volume No. 1, and proposed First Revised Sheets 77 and 78 to its FPC Gas Tariff, Original Volume No. 2.

(B) At the hearing the burden of proof to justify the proposed increase and changes in tariff provisions, as provided by section 4 (e) of the Natural Gas Act, shall be upon Texas Eastern.

(C) At the hearing Texas Eastern shall go forward first and shall present its complete case-in-chief before cross-examination is undertaken. Upon completion of Texas Eastern's case-in-chief, other parties to the proceeding may proceed with such cross-examination as they may wish to conduct at that time and, upon completion of such cross-examination, upon request of any of the parties thereto, the hearing shall be recessed by the Presiding Examiner subject to further order of the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: July 30, 1952.

By the Commission. Chairman Buchanan dissented.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-8500; Filed, Aug. 4, 1952; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27266]

SALT FROM POINTS IN TEXAS AND LOUISIANA TO POINTS IN NEW HAMPSHIRE, NEW YORK, PENNSYLVANIA, AND VERMONT

APPLICATION FOR RELIEF

JULY 30, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3668.

Commodities involved: Salt, in carloads.

From: Points in Texas and Louisiana.

To: Manchester, N. H., Medina and Silver Springs, N. Y., Spring City, Pa., Brattleboro and Rutland, Vt.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3668, Supp. 51.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8466; Filed, Aug. 1, 1952; 8:49 a. m.]

[4th Sec. Application 27271]

CRUDE RUBBER FROM POINTS IN TEXAS AND LOUISIANA TO BROOKHAVEN, MISS.

APPLICATION FOR RELIEF

JULY 30, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariffs I. C. C. Nos. 3906 and 3967.

Commodities involved: Rubber, artificial, synthetic or neoprene, crude, in carloads.

From: Baytown, Borger, Houston, and Port Neches, Tex., Lake Charles and West Lake Charles, La.

To: Brookhaven, Miss.

Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3906, Supp. 135; F. C. Kratzmeir, Agent, I. C. C. No. 3967, Supp. 144.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8471; Filed, Aug. 1, 1952; 8:50 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[CDHA 65]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

AUGUST 1, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activties at such plants or installations, and the availability of housing and community facilities and services for such defense workers and military personnel in each of the areas set forth below, I find that all the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that each of said areas is a critical defense housing area.

Battle Creek, Michigan, Area. (The area consists of the City of Battle Creek and the Townships of Bedford, Battle Creek, Emmett and Pennfield in Calhoun County, the Fort Custer Military Reservation, also the City of Galesburg and the Townships of Charleston and Ross in Kalamazoo County; all in Michigan.)

JOHN R. STEELMAN, *Acting Director of Defense Mobilization.*

[F. R. Doc. 52-8597; Filed, Aug. 4, 1952; 9:10 a. m.]

[CDHA 66]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

AUGUST 1, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations, and the availability of housing and community facilities and services for such defense workers and military personnel in each of the areas set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that each of said areas is a critical defense housing area.

Bridgeport, Connecticut, Area. (The area consists of the Towns of Bridgeport, Easton, Fairfield, Monroe, Shelton, Stratford and Trumbull in Fairfield County; and the Town of Milford in New Haven County, all in Connecticut.)

This supersedes certification under Docket No. 143 dated November 23, 1951.

Portsmouth, New Hampshire-Kittery, Maine, Area. (The area consists of all of Strafford County, except the towns of Middleton and New Durham; the City of Portsmouth and the Towns of Atkinson, Brentwood, Danville, Deerfield, East Kingston, Epping, Exeter, Fremont, Greenland, Hampstead, Hampton, Hampton Falls, Kensington, Kingston, New Castle, Newfields, Newington, Newmarket, Newton, North Hampton, Northwood, Nottingham, Plaistow, Raymond, Rye, Sandown, Seabrook, South Hampton and Stratham in Rockingham County, in the State of New Hampshire; and the Towns of Berwick, Eliot, Kittery, North Berwick, South Berwick and York, in York County, Maine.)

This supersedes certification under Docket No. 306 dated June 17, 1952.

JOHN R. STEELMAN, *Acting Director of Defense Mobilization.*

[F. R. Doc. 52-8598; Filed, Aug. 4, 1952; 9:10 a. m.]

[RC 53; No. 236]

ANACONDA, MONTANA, AREA

DETERMINATION AND CERTIFICATION OF CRITICAL DEFENSE HOUSING AREA

AUGUST 1, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (l) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Anaconda, Montana, Area. (The area consists of all of Deer Lodge County, Montana.)

Therefore, pursuant to section 204 (l) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

ROBERT A. LOVETT,
Secretary of Defense.
JOHN R. STEELMAN,
Acting Director of Defense Mobilization.

[F. R. Doc. 52-8594; Filed, Aug. 4, 1952; 9:09 a. m.]

[RC 53; No. 298]

BATTLE CREEK, MICHIGAN, AREA

DETERMINATION AND CERTIFICATION OF CRITICAL DEFENSE HOUSING AREA

AUGUST 1, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (l) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Battle Creek, Michigan, Area. (The area consists of the City of Battle Creek and the Townships of Bedford, Battle Creek, Emmett and Pennfield in Calhoun County, the Fort Custer Military Reservation, also the City of Galesburg and the Townships of Charleston and Ross in Kalamazoo County; all in Michigan.)

Therefore, pursuant to section 204 (l) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

ROBERT A. LOVETT,
Secretary of Defense.
JOHN R. STEELMAN,
Acting Director of Defense Mobilization.

[F. R. Doc. 52-8593; Filed, Aug. 4, 1952; 9:09 a. m.]

[RC 53; No. 306]

PORTSMOUTH, NEW HAMPSHIRE-KITTERY, MAINE AREA

DETERMINATION AND CERTIFICATION OF CRITICAL DEFENSE HOUSING AREA

AUGUST 1, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (l) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Portsmouth, New Hampshire-Kittery, Maine, Area. (The area consists of all of Strafford County, except the towns of Middleton and New Durham; the City of Portsmouth and the Towns of Atkinson, Brentwood, Danville, Deerfield, East Kingston, Epping, Exeter, Fremont, Greenland, Hampstead, Hampton, Hampton Falls, Kensington, Kingston, New Castle, Newfields, Newington, Newmarket, Newton, North Hampton, Northwood, Nottingham, Plaistow, Raymond, Rye, Sandown, Seabrook, South Hampton and Stratham in Rockingham County, in the State of New Hampshire; and the Towns of Berwick, Eliot, Kittery, North Berwick, South Berwick and York in York County, Maine.)

Therefore, pursuant to section 204 (l) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

ROBERT A. LOVETT,
Secretary of Defense.
JOHN R. STEELMAN,
Acting Director of Defense Mobilization.

[F. R. Doc. 52-8595; Filed, Aug. 4, 1952; 9:09 a. m.]

[RC 54; No. 143]

BRIDGEPORT, CONNECTICUT, AREA

DETERMINATION AND CERTIFICATION OF CRITICAL DEFENSE HOUSING AREA

AUGUST 1, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (l) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Bridgeport, Connecticut, Area: (The area consists of the Towns of Bridgeport, Easton, Fairfield, Monroe, Shelton, Stratford and Trumbull in Fairfield County; and the Town of Milford in New Haven County, all in Connecticut).

This supersedes certification under Docket No. 143 dated December 29, 1952.

Therefore, pursuant to section 204 (l) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

ROBERT A. LOVETT,
Secretary of Defense.
JOHN R. STEELMAN,
Acting Director of Defense Mobilization.

[F. R. Doc. 52-8596; Filed, Aug. 4, 1952; 9:09 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 31-588]

EBENSBURG COAL CO.

ORDER GRANTING APPLICATION FOR EXEMPTION

JULY 30, 1952.

Ebensburg Coal Co. ("Ebensburg") having filed an application pursuant to section 3 (a) (3) (A) of the Public Utility Holding Company Act of 1935 ("act") requesting on behalf of itself and its subsidiaries exemption from the provisions of the act applicable to them by reason of the ownership by Ebensburg of all the outstanding common stock of Colver Electric Co., a public-utility company; and

Due notice having been given of the filing of said application and a hearing not having been requested of, or ordered by, the Commission; and

The Commission having examined the application and the statements contained therein and having found that Ebensburg is primarily engaged or interested in one or more businesses other than the business of a public-utility company and does not derive, directly or indirectly, any material part of its income from one or more companies the principal business of which is that of a public-utility company, and further finding that the granting of the requested exemption will not be detrimental to the public interest or the interests of investors or consumers;

It is ordered, Pursuant to the provisions of section 3 (a) (3) (A) of the act and subject to the provisions of section 3 (c) thereof, that Ebensburg and its subsidiaries be, and the same hereby are, exempted from all provisions of the act except section 9 (a) (2) thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-8517; Filed, Aug. 4, 1952; 8:49 a. m.]

[File No. 31-591]

WASHINGTON OIL CO.

ORDER GRANTING APPLICATION FOR EXEMPTION

JULY 29, 1952.

Washington Oil Company ("Washington") having filed an application pursuant to section 3 (a) (1) of the Public Utility Holding Company Act of 1935

("act") requesting on behalf of itself and its sole subsidiary, Taylorstown Natural Gas Company ("Taylorstown"), a public utility company, exemption from the provisions of the act applicable to them; and

Due notice having been given of the filing of said application and a hearing thereon not having been requested of, or ordered by, the Commission; and

The Commission having examined the application and the statements contained therein and having found that Washington and Taylorstown are predominantly intrastate in character and carry on their businesses substantially in the State of Pennsylvania in which each of such companies is organized; and further finding that the granting of the requested exemption will not be detrimental to the public interest or the interests of investors and consumers;

It is ordered, Pursuant to section 3 (a) (1) of the act and subject to the provisions of section 3 (c) thereof, that Washington and its subsidiary be, and the same hereby are, exempted from all of the provisions of the act except section 9 (a) (2) thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-8514; Filed, Aug. 4, 1952; 8:48 a. m.]

[File No. 31-593]

LAWRENCE INVESTING CO., INC.

ORDER GRANTING APPLICATION FOR EXEMPTION

JULY 30, 1952.

Lawrence Investing Company, Inc. ("Lawrence"), having filed an application pursuant to section 3 (a) (3) (A) of the Public Utility Holding Company Act of 1935 ("act") requesting on behalf of itself and its subsidiaries exemption from the provisions of the act applicable to them by reason of the ownership by Lawrence of all of the outstanding common stock of The Lawrence Park Heat, Light and Power Company, a public-utility company; and

Due notice having been given of the filing of said application and a hearing thereon not having been requested of, or ordered by, the Commission; and

The Commission having examined said application and the statements contained therein and having found that Lawrence is only incidentally a holding company, being primarily engaged in a business or businesses other than that of a public-utility company and not deriving, directly or indirectly, any material part of its income from one or more companies the principal business of which is that of a public-utility company, and further finding that the granting of the requested exemption will not be detrimental to the public interest or the interests of investors or consumers;

It is ordered, Pursuant to section 3 (a) (3) (A) of the act and subject to the provisions of section 3 (c) thereof, that Lawrence and its subsidiaries be, and the same hereby are, exempted from all of the provisions of the act except section 9 (a) (2) thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-8516; Filed, Aug. 4, 1952; 8:49 a. m.]

[File No. 54-136]

LONG ISLAND LIGHTING CO. ET AL.

MEMORANDUM OPINION AND ORDER RELEASING JURISDICTION OVER CERTAIN FEES AND EXPENSES

JULY 30, 1952.

In the matter of Long Island Lighting Company, Queens Borough Gas and Electric Company, Nassau & Suffolk Lighting Company; File No. 54-136.

The Commission by order dated November 16, 1949, approved a plan filed under section 11 (e) of the act proposing the consolidation of Long Island Lighting Company, a then registered holding company, and two of its public-utility subsidiary companies, Queens Borough Gas and Electric Company and Nassau & Suffolk Lighting Company and the recapitalization of the resultant consolidated corporation, which was to be known as Long Island Lighting Company ("Consolidated Corporation").

That order reserved jurisdiction over the payment of all fees and expenses incurred in connection with the plan. Subsequently, applications for payment of fees and expenses were filed by participants in the proceedings relating to the plan.

Public hearings were held on these applications and the staff of the Division of Public Utilities of the Commission issued a recommended findings and opinion thereon. Following the issuance of such recommended findings and opinion the Consolidated Corporation filed a petition stating that certain of the applicants who had requested amounts in excess of those recommended by the Division of Public Utilities have agreed to waive objections to the recommended findings and opinion and to accept the amounts recommended therein. The Consolidated Corporation has requested that it be authorized to pay those applicants who have agreed to reduce their requested amounts as well as those applicants whose requested amounts were not challenged by the staff's recommendations.

Upon careful consideration of the entire record we find that those amounts hereinafter set forth for fees and expenses and which have been recommended by the Division of Public Utilities and agreed to by the applicants concerned and the Consolidated Corporation are reasonable and that we may, therefore, at this time direct their immediate payment. We make no determination at this time, as to any of the other applications for fees and expenses.

It is ordered, That the reservation of jurisdiction in this matter with respect to the following fees and expenses be, and the same hereby is, released, and the Consolidated Corporation be, and hereby is, directed to pay the following applicants the amounts indicated:

	Fee	Expenses	Total
Preferred stockholder—Long Island Lighting Co.: Benjamin F. Gray, chairman; Albert Ullmann, deceased, member; Albert E. Olson, member; Edward Gray, secretary	$7,500.00	$4,034.94	$11,534.94
Unger & Pollack, Milton Pollack, and Jeffrey S. Granger	75,000.00	1,566.31	76,566.31
Percival E. Jackson	40,000.00	----------	40,000.00
Edward de Rivera	2,500.00	----------	2,500.00
Townsend, Elliott & Munson	8,500.00	102.84	8,602.84
John M. Chapman	1,500.00	----------	1,500.00
William A. Cliff	2,000.00	277.22	2,277.22
Bernard D. Fischman	40,000.00	4,100.30	44,100.30
C. Ross Holmes	1,000.00	----------	1,000.00
Paul E. Moses	750.00	----------	750.00
Warren & McGreddy	20,000.00	644.08	20,644.08
McLaughlin & Stern	50,000.00	4,882.43	54,882.43
Gilbert Associates, Inc.	2,000.00	172.05	2,172.05
Howie & Robertson	1,750.00	----------	1,750.00
New York Trust Co.	100.00	----------	100.00
Hemes, Smith and Andrews	175.00	2.98	177.98
Guaranty Trust Co. of New York	6,000.00	----------	6,000.00
Davis, Polk, Wardwell, Sunderland & Kiendl	3,000.00	----------	3,000.00

It is further ordered, That the allowance to McLaughlin & Stern is conditioned upon the payment by it to its clients of $7,769.25 received by it from its clients.

It is further ordered, That the reservation of jurisdiction over fees and expenses contained in our order of November 16, 1949, hereby is expressly continued except insofar as specifically released herein.

By the Commission,

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-8515; Filed, Aug. 4, 1952; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18965]

PAUL KLEHM

In re: Estate of Paul Klehm, deceased. File D-28-13113; E. T. sec. 17227.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Luise Wirth, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of Luise Wirth in and to the Estate of Paul Klehm, deceased, is property which is and prior to January 1,

1947, was within the United States owned or controlled by, payable or deliverable to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Florence Oskins, administratrix, acting under the judicial supervision of the District Court of Park County, Wyoming.

and it is hereby determined:

4. That the national interest of the United States requires that the person identified in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 30, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-8522; Filed, Aug. 4, 1952; 8:51 a. m.]

[Vesting Order 18966]

EMIL KLEIN

In re: Debt owing to Emil Klein. F-28-2763.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Emil Klein, whose last known address is Adolf Hitlerstrasse 30, Hanau A/M, Germany, on or since December 11, 1941, and prior to January 1, 1947 was a resident of Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Manufacturers Trust Company, 45 Beaver Street, New York, New York, as Successor Trustee to The Mortgage Corporation of New York, evidenced by a check numbered 62193, dated September 26, 1939, in the amount of $301.88, issued by The Mortgage Corporation of New York as Trustee, to Emil Klein, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and any and all rights in, to and under said check,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Emil Klein, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 30, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-8523; Filed, Aug. 4, 1952; 8:51 a. m.]

[Vesting Order 18967]

FRIEDA KOEHLER

In re: Debts owing to Frieda Koehler. D-28-2552.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Frieda Koehler, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947 was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations of The Manufacturers Trust Company, 45 Beaver Street, New York 15, New York, as Successor Trustee to The Mortgage Corporation of New York, evidenced by nine (9) checks, issued by The Mortgage Corporation of New York as Trustee, dated, numbered and in the amounts as follows:

Dates	Check Nos.	Amounts
Aug. 3, 1939	53391	$6.79
Oct. 28, 1939	77699	6.79
Jan. 30, 1940	107851	6.75
Apr. 26, 1940	133931	6.84
July 25, 1940	163816	7.08
Sept. 3, 1940	175710	2.40
Oct. 25, 1940	192307	6.68
Jan. 30, 1941	248049	6.07
Apr. 22, 1941	274346	6.77

said checks issued to Frieda Koehler together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all rights in, to and under the aforesaid checks,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Frieda Koehler, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 30, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-8524; Filed, Aug. 4, 1952; 8:52 a. m.]